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NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

Chicago adopted the non-partisan ballot in November. Boston and Cleveland have had it for years. About one-third of the cities, those having the commission or commission-manager form, have it. The charter commission that fails to provide it nowadays carries the burden of proof, for a new charter with partisan elections is an exception.

Like all governmental reforms, it somewhat disappoints both its friends and its enemies. Consider Akron and Altoona! Akron has the non-partisan feature in its charter, but the election went Republican nevertheless. The logical man for city manager is a Democrat, and so the commission at present writing is wondering whether it may presume to put the newly-elected mayor into the managership. Altoona, on the other hand, after having the non-partisan ballot for two years, was deprived thereof by the legislature without its consent. Forthwith it proceeded adroitly to run Republicans in Democratic primaries and Democrats in Republican primaries and re-elected the same group which had come into office two years before in the then non-partisan election, thus despite the partisan ballot, achieving all the essentials of what we call non-partisanship!

A town, however, which overwhelmingly elects two Republicans and three Democrats, may not by that fact alone plume itself upon its non-partisanship; it may rather have bi-partisanship! It should be able, if things happen to break that way, to elect five Democrats without particularly noticing so irrelevant a detail, just as it might ignore the fact that all five were Presbyterians.

On the other hand, the private conference of leading business men and well-meaning politicians which erects a combination ticket that is assured of election from the start, is just as definitely ring rule as any other and may become even more solidly entrenched against revolt. Under the partisan ballot, there may be more certainty of healthful contest, and the group of leading philanthropic citizens whose ordinary aloofness and whose ability to finance a revolt, is an important safety-valve, may be more effective than if pre-organized into the combination.

Such combinations, are of course, eminently practical. Their records are generally records of real devotion to the public welfare and of good and unhampered administration, tempered by an honest reluctance ever to let such power slip into less trusted hands. The outs, clustering hopelessly around any available disgruntled leader, or around the socialist organization, attack with a viciousness that is utilized to cover their scarcity of tangible and honest complaint. Broad-gauged, tolerant, efficient and earnestly-deferential management at city hall may hold them off indefinitely. A cocky, shallow manager and a naïvely class-blinded commission of good business men may irritate them into frenzy.

II

In such circumstances of pressure, it is the democratic thing to do (but if you are talking to a Tory, you had better say 'good tactics') to provide a suitable safety-valve. The correct safety-valve is accurate and proportional representation of the disgruntled element. It will not suffice, in the long run, to nominate a labor member, hand-picked and docile, on the combination ticket.

The need is best met by the Hare plan of proportional representation, as in Ashtabula and Kalamazoo. The National Municipal Review has carefully told the story of every one of these proportional elections (except the one last November in Kalamazoo, the story of which is expected in the next issue). Both the Kalamazoo and the Ashtabula experiences indicate on the part of some conservative people an intolerance matched only by the intolerance of the Reds and a reluctance to see other kinds of people sharing power at city hall. Such a spirit in a proportional representation election does no harm to anybody; but in an election on the straight majority plan with its necessity for ticket-making, for organization, for private barter and trade and chess play, such conservative intolerance may find itself in a position to plug the safety valve and thus unwittingly arrange for an explosion.

That form of government is most democratic which needs the least private and volunteer organization to enable it to operate. The non-partisan ballot in the commission-manager form has most wholesomely minimized the opportunities and function of the politician, professional or amateur, and has so clarified municipal politics in case after case, that we get, for once in American politics, a political situation simple enough for rather an exact analysis. In that clarified atmosphere, the merits of proportional representation cease to appear academic and can be proved as to specific cases. No one can read the accounts of the elections in Ashtabula and Kalamazoo without realizing that here is the ideal of non-partisanship, a substitution of genuine and natural cleavages for the meaningless battles between Republicans and Democrats in municipal elections.

III

We have never taken much stock in those arguments for porportional representation which rest upon the theory of vigorous clashes of opinion among the people of a city on municipal issues, for it is only occasionally in municipal politics that genuine issues of policy become important considerations to the average voter. The municipal voter picks men rather than policies and votes for his own kind. The Kalamazoo election of November 1919 seems to have been the first of the five proportional representation elections where a great issue of public policy split the town. But the existence of the referendum procedure largely spoiled the opportunity to use the election of the council as the battle-ground.

Kalamazoo voted down the referendum that called for a municipal lighting plant and on the same day re-elected a majority of the commission which had proposed it!

HOW THE RECALL WORKED IN CHARLOTTE

BY F. M. SHANNONHOUSE

Charlotte, North Carolina

The literature of the recall is slender because this instrument is rarely utilized. In Charlotte, North Carolina, it was recently tested under ideally difficult conditions. :: :: :: :: :: :: ::

I

Early in the spring the Highland Park cotton mills in Charlotte, one of the largest mills in the city, reduced wages of all employes about 30 per cent. The employes quit work and commenced to organize unions. The Johnston mills, located just outside the city, but under the same management, and the Mecklenburg mills, under another management, commenced to discharge union employes. Strikes followed in both these mills, followed by peaceful picketing, which resulted in numerous fights and disorders. Numerous arrests were made, resulting in some convictions, in which cases appeals were taken to the higher court, and others were bound over to the higher court for more serious offenses.

All this happened outside of the city and beyond the jurisdiction of the police. During all this time union strikers continually harassed, threatened, frightened and drove away non-union employes at the mills in the city and outside the city, resulting in a continual state of lawlessness and disorder.

The city commissioners were constantly appealed to by mill managements to protect non-union employes and preserve order. They did nothing further than send out officers to disperse mobs which immediately reformed after the officers departed. Public sentiment in the community was almost unanimously against the mills because of the cut in wages and the discharge of employes for joining the union. There was no newspaper publicity given lawlessness and disorder. Members of the Commission frequently requested employers to consent to arbitration, which employers refused until law was enforced, order restored and persons protected.

Upon the convening of the Superior Court, the solicitor of the judicial district permitted the appeals to be withdrawn or nol prossed, or permitted submissions upon payment of costs in the cases bound over. Lawlessness and disorder grew worse and worse, owing to the attitude and inaction of the city commissioners, police department and solicitor of the judicial district.

Finally the city commissioners appealed to the governor for troops to enforce order, the situation having gone beyond local officers. The governor agreed to send troops, stating he would make public announcement that the employers were in the wrong. Immediately the employers posted notices that the mills would be opened on a fixed date and that there would be no discrimination on account of membership or non-membership in any union or other organization, consenting to deal with committees of employes, but refusing to deal with persons other than employes. The mills opened up. The governor issued a proclamation declaring in unmistakable terms for the open shop.

II

For some months the city health officer had been engaged in enforcing ordinances to secure a more sanitary milk supply. The dairymen organized and contested and denied the right of the city to levy a $1.00 license to do business in the city, and the dairymen found numerous supporters in the city among former antagonists of the administration. Some friends of the dairymen suggested a recall. After some weeks a local Republican politician, with the assistance of an attorney for some of the dairymen, drafted a recall petition and put it in circulation. It was circulated by former opponents of the administration, together with some persons opposed to the administration because of failure to enforce the law and preserve order during the cotton mills strikes, but little interest was manifested in the petition.

Next the street car employes organized a union and struck, stopping all cars for several weeks. A voluntary committee of citizens, headed by the mayor, the street car company not being represented, undertook to pass on and arbitrate the street car strike, and made a report sustaining the strikers, together with their demand for recognition of the International Brotherhood, the one demand the street car company continually and consistently refused.

Finally the street car company imported some strike breakers and started a few cars to moving. On the first day mobs all over the city, composed of delegations from the various cotton mills, stoned the cars and engaged in other lawlessness. The police force remained practically inactive. The day the cars stopped, and the disorders above mentioned occurred, Monday, August 25, numbers of reputable citizens signed the petition for a recall and others threatened to sign unless order was maintained.

During the day word was circulated that unionists from near-by towns would arrive that night to drive away the strike breakers. The administration stationed 30 policemen at the car barn. The threatened delegations from other towns did not arrive, but a mob formed in front of the car barn, witnessed by one thousand or more citizens standing at a respectful distance, making threats against the strikers, calling for dynamite and demanding an officer, a policeman, who, in trying to disperse a mob which tried to gain admittance to the car barn, had knocked down one of the mob.

About 12.20 a. m., after the spectators had departed, the mob in front of the car barn had a conference and voted to enter the car barn and "get" the strike breakers. Upon approaching the barn a shot was fired—the mob claims by chief of police, the policemen claim by a member of the mob—immediately followed by promiscuous shooting, resulting in five of the mob being killed and twenty or thirty others being wounded.

III

Peace, long delayed, reigned. Immediately the demand for the recall was taken by the mob, and a large portion of union labor, led by the *Union Herald*, a union paper edited by an imported labor agitator recently returned from a long stay in Russia. A committee nominated officers to run on the recall petition. A lawyer headed the candidates for mayor, and a former hardware clerk, defeated in the last election for commissioner for public works, was selected for candidate for public works, and a retail groceryman, living in a cotton mill section, was candidate for commissioner of public safety.

The recall candidate for mayor made the issue the unlawful shooting at the car barn. The attitude of a large number who had originally signed the recall petition suddenly reversed. Our newspapers and citizens, neutral so far as unionism was concerned, accepted the issue, waged a fight and defeated the recall petition candidate by a vote of 3,300 to 1,900, the biggest election ever held in the city.

It was not a question of candidates. It was simply a question of enforcement of the law for the present and the future. The city commissioners, unionists and all others have learned where this community stands on that issue.

While the recall is condemned by a great many, it is the opinion of many familiar with the apathy and indifference on the part of a majority of the citizens that the recall election led to a campaign of education and action absolutely necessary and essential to head off a rapidly growing spirit of bolshevism, class autocracy and political chaos such as would have led to results unknown. For the present we have peace and quiet.

The above rather lengthy narration of events is based on my own personal knowledge and observation. I cannot escape the conviction that all our troubles preceding the recall election, and the recall election itself, were brought on by the failure of the city commissioners and the proper officers of the law to properly discharge their duties in upholding and enforcing law.

I should state that the federated unions have employed attorneys and are prosecuting the policemen present at the car barn, on warrants charging murder. The evidence of the prosecution is gradually disclosing the personnel of the mob, its purposes and intentions, just as I have stated above. This prosecution will result in nothing but the acquittal of the policemen and will serve the same good purpose as the recall election did in fortifying the sensible portion of our people in their action in the recall election and in warning the lawless element that we must and shall have peace.

The "Recall" rendered an invaluable service under our most trying conditions, and amply justified its inclusion in our charter. Present and new conditions make necessary some proper agency for the majority to ascertain immediately where they stand, and whether or not the majority shall rule, and particularly so when the City Government is committed to the hands of three or a few men with full legislative and executive authority. The "Recall Election" brought out one thousand to fifteen hundred voters more than ever voted in a City election, because it was not "politics." It was law, order, security, life for all—the union man and the non-union man. The fire was quenched instead of being allowed to smoulder for months awaiting a regular election, while the peripatetic agitator and selfish and unscrupulous office seeker would have fanned the flame of hatred and discontent in the community by his misrepresentations.

SINGLE TAX PROGRESS IN MARYLAND

BY CHARLES J. OGLE

Secretary, Maryland Tax Reform Association

The Maryland Law of 1916 which gave towns the right to exempt personalty and buildings from taxation is beginning to bear interesting fruit in the form of small towns that only tax land. The effort toward this end in Baltimore encountered legal obstruction. :: ::

I

A LIVELY campaign for two tax reform measures of far-reaching importance was brought to a sudden halt ten days before the November election in Baltimore, when the Maryland Court of Appeals reversed the decision of a local court and granted an injunction prayed for by certain landed interests keeping the measures from being printed on the ballot. The measures in question were proposed amendments to the charter of Baltimore which were petitioned for by approximately 22,000 registered voters.

A year ago Baltimore adopted a so-called home rule charter so as to come under the provisions of a recent amendment to the state constitution. This latter provided that such a charter could be amended by the voters, the amendments being proposed by resolution of the mayor and city council or by petitions signed by 10,000 registered voters. More than double this number supported each of the proposed changes.

Petition No. 1 was to make taxes uniform throughout the Old Annex, which became a part of Baltimore City in 1888. The measure with its preamble read as follows:

WHEREAS, The territory annexed to Baltimore City in the year 1888, now commonly called the Old Annex, was expected at that time to be practically all brought under the full city rate of taxation by the year 1900; and

WHEREAS, A section of said Old Annex, representing an assessed value of about $23,000,000 is still taxed at only 67 cents, or one-third of the regular city rate, a rate of taxation considerably lower than applies on property in the remotest section of Baltimore county, although said Old Annex enjoys city jurisdiction; and

WHEREAS, Another section of said Old Annex, representing an assessed value of about $27,500,000, still enjoys a favored rate of $1.30 although consisting of a highly developed and exceedingly valuable residential section which obtains all municipal advantages; and

WHEREAS, The above sections have been for many years unfairly favored at the expense of the property owners in the old city; therefore

The charter of Baltimore City shall be and the same is hereby amended by repealing all of section 4 of article I of said charter and substituting in lieu thereof the following:

"4. All property, real, and personal, situated or held in the territory annexed to Baltimore City by the act of 1888, chapter 98, shall be subject to levy, taxation and assessment in the same manner and form and at the same rate of taxation as property of similar character or description within the limits of said city as they existed prior to the passage of said act may be subject."

The substantial justice of this proposal was generally recognized. The quasi-exemptions enjoyed by the sections referred to have long been a sore spot with full rate taxpayers, and many of the beneficiaries themselves announced their intention of supporting the measure on the high grounds of justice and equality.

Petition No. 2, which excited more

comment, provided for the exemption of merchandise and a gradual reduction of the tax rate upon buildings down to 50 per cent of the regular city rate.

The measure read:

> In order to encourage the growth and development of commercial enterprises in Baltimore City and to lessen the cost of goods therein, beginning with the assessment and levy of city taxes for the year 1921 and thereafter, all merchandise held for sale shall be exempt from taxation for all ordinary municipal purposes.
>
> To stimulate the erection of buildings and general city development and to encourage home-owning, it is hereby provided that for the year 1922 no building shall be taxed by the city for ordinary municipal purposes at more than 90 per cent of the regular city rate prevailing in the same taxing district; for the year 1923 no building shall be taxed at more than 80 per cent of the regular city rate in such district; for the year 1924 no building shall be taxed at more than 70 per cent; for the year 1925 at more than 60 per cent; and for the year 1926 and thereafter no building shall be taxed at more than 50 per cent of the regular city rate prevailing in said district. Any and all portions of this charter in conflict or inconsistent with this subsection are hereby repealed.

Baltimore merchants not only pay a traders' license based upon their stock of goods, but in addition pay the full rate of taxation upon merchandise the same as upon real estate. None of the Pennsylvania cities tax merchandise at all, the mercantile tax on sales in that state running about the same as the traders' license system here. As a consequence, merchants in Baltimore are placed at a disadvantage when competing with mercantile houses in Pennsylvania. Instances are cited of great concerns establishing distributing houses in Philadelphia instead of Baltimore because of our taxation of merchandise. Such happenings, of course, tend to lessen opportunities for employment in Baltimore and affect our real estate values adversely.

The 10 per cent reduction in the tax rate upon buildings is similar to the so-called "Pittsburgh plan of taxation" which has been in effect in Pittsburgh and Scranton since 1913, the only difference being that the proposed reduction was to be annual instead of triennial, as in those places.

This was attacked as being "single tax," the newspapers always speaking of it as such, and the brief filed against it in the court proceedings being abusive in the extreme, calling its advocates socialists, anarchists, bolshevists, cranks, etc.

As a matter of fact, although the plan was put forward by single-taxers and did constitute a step in the direction of single tax, it was a very conservative one. Baltimore gets more of its taxes from buildings and personal property and less from land than other cities of its size; 60 per cent of its real estate basis is made up from buildings and only 40 per cent from land, whereas in a number of other cities this proportion is reversed. Baltimore is said to be the only large city where the building assessment exceeds the land assessment. Her per capita land assessment is only about $300 as against something like $800 to $900 in New York, Pittsburgh, Boston and other places. Bearing these facts in mind the proposed plan would appear to do little more than put Baltimore on a par with other cities in the matter of increasing the proportion of its revenues derived from land.

It is to be regretted that the campaign could not have been carried to a conclusion and the sentiment of Baltimore's voters obtained with respect to the proposed changes. The adoption of the Annex measure was regarded as almost certain, and the other proposal had at least a good fighting chance, notwithstanding the lack of newspaper support and the organized opposition of certain real estate interests. Ten of the eleven members of the home rule charter commission had announced their intention of supporting both measures.

II

A number of small towns in Maryland are much further advanced in the matter of local taxation. The legislature of 1916 passed a general law giving incorporated towns the power to determine the classes of property which shall be subject to taxation for local purposes within their respective jurisdiction. Acting under this law the towns of Perryville in Cecil county and Capitol Heights in Prince George's county abolished the taxes on improvements and personal property in 1917 and since that time have been raising their entire local revenues from land values.

Garrett Park in Montgomery county, where the tax rate had been 50 cents on all classes of property, lowered its rate to 30 cents on buildings and personal property and raised it to 80 cents on land values.

Hyattsville, in 1918, exempted personal property and made the rate 75 cents on buildings as against 85 cents on land. As far back as 1892 this town adopted the straight single tax by completely exempting buildings and personal property. The court of appeals declared this in conflict with the General Property Tax Provision, which at that time was in the state constitution, so they had to abandon it. This provision was stricken out of the constitution by the voters in 1915. In 1917 Hyattsville had a trial election, the voters declaring 3 to 1 in favor of going back to the single-tax method, but as yet the town council of Hyattsville has not complied with their wishes, except to wipe out the taxation of personal property. They had under consideration the removal of the tax on improvements this spring, and the mayor and town clerk of Capitol Heights attended the Hyattsville board meeting and told of the benefits which their town was deriving from the plan; but two or three large land speculators fought it so bitterly that no further steps were taken.

For nearly twenty years the town of Takoma Park (population 2,500) has been exempting personal property and assessing buildings at one-third of their value and land at two-thirds for the purposes of local taxation. The constitutionality of this appears to have never been questioned, and the plan has become firmly established by common consent of the citizens.

The mayor and council of Easton, one of the larger towns on the eastern shore of Maryland, became thoroughly imbued with the idea of exempting improvements and personal property a year or so ago and as a first step had a reassessment made by the Somers method of assessment, which more than doubled the assessment on land and slightly reduced it on buildings. A new mayor went into office about the time the reassessment was finished, however, and he decided that the lot owners' taxes had been so increased that no further steps should be taken to relieve buildings and personal property.

The mayor and council of Laurel (population 2,500) have decided to put up to the voters next spring the question of exempting buildings from their general levy.

The famous suburban development of Roland Park has always levied for its maintenance charges upon land alone.

The Maryland Court of Appeals in enjoining the supervisors of elections from printing the Baltimore measures upon the ballot stated that they were in excess of the powers granted to Baltimore by the home rule provision of the state constitution. The reasons were not given out until several weeks later.

As matters now stand the counties of Maryland have been given a grant of powers under which they can adopt a charter and determine what classes of property shall be levied on, and all incorporated towns in the state have like powers in the matter of taxation, but Baltimore City according to the Court ruling does not enjoy the same privilege. It is hoped that the legislature will relieve this grotesquely unjust situation at its coming session.

ASHTABULA'S THIRD "P. R." ELECTION

BY RAYMOND C. ATKINSON

Western Reserve University

Ashtabula, Ohio, was the pioneer city in the adoption of the Hare plan of proportional representation for its municipal elections. This year's test was embarrassed by the presence of ten other old-style ballots. . . . The story of Kalamazoo's second election under P. R. is promised for an early issue. :: :: :: :: :: ::

I

The operation of the Hare plan in Ashtabula has been watched with considerable interest by both friends and opponents of proportional representation. This fall the plan received its third test in the election of a new council. As in previous elections the concensus of opinion appears to be that a fairly representative body has been chosen, although there are, of course, many complaints against the selection of particular members. Probably no one is thoroughly satisfied, but that is only an indication that no single group of voters succeeded in monopolizing the election.

The campaign this year was comparatively quiet. While a number of important matters, including the settlement of a street railway controversy and the negotiation of a new agreement with the gas company, will confront the new council, several of the candidates were unwilling to take a definite position on these questions, and a few confessed total ignorance of the issues involved. The only striking feature of the contest was the endorsement of five men by the Central Labor Union. Although the stand of the labor candidates was no more radical than that of their opponents, the conservative element of the community was considerably startled. That organized labor might gain control of the city council filled the minds of a few good people with visions of bolshevism. A thorough understanding of the Hare system, however, should have set their fears at rest. While the unions supported a slate of five candidates, their total vote being approximately one third of the entire number of ballots cast, enabled them to elect only two of the seven councilmen. When the conservative people of Ashtabula recall that under the old-fashioned method of voting, one-third of the citizens, constituting the only organized group in the electorate, might possibly have gained a majority of the seats, they have reason to be thankful for the existence of proportional representation.

II

Ashtabula follows the very sensible plan of deferring the count until the day succeeding election. After closing the polls the clerks sort out all ballots according to the first choice marked thereon, and send them in separate bundles to the central election office. All further counting is left to the board of elections which meets the following afternoon.

Of the fourteen candidates in the field only one, Dr. Hogan, was able to poll the necessary quota of 357 votes on first choice. Dr. Hogan had served in the council for the past six years, and was a recognized leader in that body. On the distribution of his surplus of 25 first-choice ballots no candidate reached the quota, but in the midst of the next count, when the lowest man, Willey, was declared defeated and his ballots distributed according to second choice, another candidate, Warren, went over the top and was declared elected. From this point until the final count no other aspirant was able to attain the quota. As one man after another was dropped from the list and his ballots distributed, two interesting facts were noticeable. One was the popularity of Mack among all elements of the electorate and the other was the regularity with which the ballots of one labor candidate went to another. Mr. Mack was a member of the outgoing council, a self-styled "agressive progressive," whose record gave him a liberal share of the ballots on each new transfer. Of the five labor candidates the first to suffer de-

THIRD ASHTABULA ELECTION UNDER PROPORTIONAL REPRESENTATION

TABLE OF THE COUNT

Candidate	First Choices	Hogan's Surplus	Result	Willey's Transfers	Result	Unis' Transfers	Result	Haleen's Transfers	Result	Woodworth's Transfers	Result	Strickland's Transfers	Result	Hageny's Transfers	Result	Total valid ballots 2849 Quota .. 357 Invalid ballots 445 Total vote...3294
Boynton........	165	2	167	9	176	10	186	16	202	11	213	25	238	14	252	eliminated
Candella........	246	3	249	2	251	2	253	6	259	20	279	17	296	38	334	elected
Corrado.........	283	3	286	1	287	1	288	2	290	1	291	0	291	34	325	elected
Cross...........	247	2	249	2	251	8	259	11	270	14	284	13	297	28	325	elected
Hageny.........	168	6	174	5	179	0	179	9	186	13	199	27	226	eliminated		
Haleen	115	1	116	3	119	4	123	eliminated								
Hogan..........	382	elected on first choice votes.														
Mack...........	268	4	272	4	276	15	291	18	309	22	331	23	353	4	357	elected
Strickland......	153	1	154	2	156	5	161	9	170	25	195	eliminated				
Unis...........	64	1	65	4	69	eliminated										
Wallin.........	212	0	212	1	213	2	215	11	226	16	242	48	290	29	319	elected
Warren.........	352	1	353	4	357	elected										
Willey.........	57	1	58	eliminated												
Woodworth.....	137	0	137	3	140	6	146	3	149	eliminated						
Exhausted Preferences.....	...	..	...	..	18	..	16	..	39	..	27	..	43	..	79	Total 222

Note. The "quota" was 357 and any candidate getting 357 votes out of the 2849 was elected. Each ballot counted for only for one candidate although seven were to be chosen. 1. Hogan's surplus ballots were distributed to second-choice candidates as demanded by the voters' marks. 2. Likewise Willey's ballots, Willey being found to have no chance of election, were transferred. 3. Then those of Unis, the next lowest candidate, were transferred; 4. and so on, until all the ballots were in seven piles.

feat was Woodworth. About three-fifths of his ballots were turned over to the four remaining labor men on the next count. The other two-fifths went chiefly to Mack, Cross and Boynton, all of whom might be considered in a measure as representatives of labor, Mack being a printer, and Boynton and Cross railwaymen. By the close of the seventh count the tables showed that two candidates had been elected and six defeated. The field was, therefore, narrowed to six men, of whom five were to be elected. On the succeeding transfer Mack received his three hundred fifty-seventh ballot, and the dropping of Boynton after the tally brought the election to an end. The whole process had been completed in three and three-quarters hours without the slightest confusion or error.

How did the various groups in the community fare in the choice of councilmen? At an election in which concrete issues play so small a part as in the recent campaign, that is a difficult question to answer. The motives of many of the electors are very hard to unravel, but it appears that racial and economic factors were the principal considerations with the geographical location of the candidates' homes playing some part. Ashtabula contains three important racial groups, Italians, Finns, and Swedes. Two of these received representation in the new council. The Italians can boast of two members, which is more than their numbers justify, in the opinion of most Ashtabula people. Their success, however, is accounted for by two facts—an unusually large Italian vote, due to a factional quarrel in the Italian district, and the endorsement of one of the two, Candella, by the Central Labor Union. The support of organized labor was probably the chief element also in the success of Wallin, the Swedish representative, for the Swedes constitute a relatively small part of the population. The constituencies which elected the other four candidates cannot so readily be diagnosed. Dr. Hogan undoubtedly drew heavily on the conservative and business vote, as did also Mr. Warren. The latter had taken a definite stand against Sunday amusements and could, therefore, count on the support of the strict, church-going people. Cross, a retired railway yardmaster from the Harbor district, represents a distinct section of the city. Mack, the remaining councilman, disclaims the support of any particular element of the community, and the varied groups from which his ballots came indicate that his statement is largely correct.

The Hare system has then given the Italians and Swedes representation in the new council. Organized labor succeeded in electing two of its candidates. The Harbor has a member, while business may lay claim to at least two councilmen. Whatever else may be said of the Hare plan it must be conceded that it does insure group representation.

III

After three elections under the Hare plan it might be supposed that the people of Ashtabula had become thoroughly accustomed to the system. That, however, is not the case. There remains a surprising amount of opposition to proportional representation. In fact a number of Ashtabula citizens, including even some of the firmest friends of the Hare system, are free to admit that it is disliked by a great many voters and that, were the question submitted at the present time, there might be a majority against the retention of proportional representation. This opposition appears to arise from two causes—ignorance of the method of voting and counting the ballots, and unwillingness on the part of many of the "better" citizens to see certain groups, especially organized labor and the Italians, secure representation in the council.

That many of the citizens are still confused by the new system of voting there can be no doubt. In each election thus far at least 10 per cent of the ballots have been invalid due to one error or another in marking. At this election 445 out of 3,294 ballots had to be discarded, or about 13 per cent of the total vote. The number of ballots spoiled would have been more than sufficient to have elected a candidate. The increase in the number of invalid ballots this year over that in previous elections is not especially surprising. The citizens of Ashtabula were presented with eleven different ballots on entering the booth November 4, and of these eleven all except one had to be marked with the old-fashioned cross. It is not strange, therefore, that many electors floundered in the midst of such a morass of voting papers and failed to use the Hare ballot correctly. The commonest error was the marking of a series of crosses instead of the numerals 1, 2, 3, 4, etc., before the names of the candidates preferred. While a single cross is treated as a first-choice vote, the presence of two or more X's makes it impossible to count the ballot for any candidate indicated. It would be natural to suppose that this error would have been confined to the foreign sections of the city, since full instructions as to marking were printed upon the ballot. In fact, however, the proportion of spoiled ballots was as large in the thoroughly American districts as in those occupied by foreign-born voters, with the exception of the Finnish precincts. Why it should be so difficult to change the voting habits of literate Americans is hard to understand, but the fact remains that so long as other ballots are marked with the cross a considerable number of people must be cautioned as to the Hare ballot. Ashtabula, on the admission of the election officials, has not conducted a campaign of education as to the use and meaning of the new system of voting. That, no doubt, accounts for the large percentage of wasted ballots, as well as its failure to decrease from election to election.

The second objection which is frequently heard is nothing short of a criticism of the whole theory of proportional representation. The ability of the Italians to elect a former saloonkeeper, who was recently charged with murder, is a terrible shock to the sensibilities of many good people, and the Hare system is blamed. This particular man, however, was chosen four times under the old ward system and has succeeded in but two out of three elections under the Hare plan. As for the labor representatives, it is clear that the unions did not win a larger share in the new council than their vote properly entitled them to, nor are their members considered radical by many fair-minded people.

An examination of the Ashtabula election should indicate to the friends of proportional representation that the Hare plan actually does secure group representation. But it must also show the necessity of a thoroughgoing educational campaign wherever the system is introduced to overcome the habit of voting with a cross and the natural intolerance of minorities which inheres in the minds of many people.

THE FATE OF THE FIVE-CENT FARE

IX. INDIANAPOLIS

BY ROBERT E. TRACY

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I

The Indianapolis street railway situation has reached a fairly definite milestone on the road towards stability as the result of an order of the public service commission of Indiana, dated June 28, 1919, modified on June 30, conditioned on the acceptance and performance of various stipulations. This order approved a merger of the Indianapolis Traction & Terminal Company and the Indianapolis Street Railway Company, the former being the lessee and operating company organized in 1902 and the latter the lessor company organized in 1899. The commission made fourteen stipulations, later reducing those to be immediately performed to ten, before they gave their approval to the merger. The conditions of the approval of the merger were as follows:

1. That payments made into bond sinking funds under the mortgages of the constituent companies should be considered as having reduced the principal amount thereof and that the consolidated company should have the right to issue additional bonds to that amount for additions and betterments.

2. That the consolidated company should assume complete performance of the franchise obligations of the constituent companies.

3. That until the date of the expiration of the franchises of the constituent companies, no dividends should be paid on the common or preferred stock of the consolidated company while at any time there was failure to comply with any order of the commission approving a requirement of the city under the franchise.

4. That any dispute between the city and the consolidated company as to extensions, additions or improvements in its system or service, should be referred to the commission and that the consolidated company should agree to abide by its decision.

5. That the consolidated company should set aside annually in cash 21 per cent of gross revenue for maintenance and depreciation.

6. That the preferred stock of the consolidated company should not be redeemed or retired prior to the maturity or extended maturity dates of its bonds.

7. That the commission's approval should not bind the commission in any future regulation of the securities of the consolidated company including the refunding of its present securities or the extension of the maturity dates of its bonds.

8. That the consolidated company should apply to the commission for authorization of any future stock or bonds.

9. That the commission was not bound to provide revenue for dividends or interest on the securities of the consolidated company and that any action by the commission in future rate cases should be unaffected by the securities of the consolidated company or by the commission's approval of the consolidation.

10. That the consolidated company should assume all the obligations, liabilities and claims of the constituent companies.

11. That the consolidated company, instead of issuing $2,500,000 in common stock in exchange for $5,000,000 of stock in one of the constituent companies should issue only $1,000,000 of such common stock.

12. That, although under the terms of its mortgage the constituent companies had to make annual payments of $60,000 into a sinking fund to be used for the purchase of bonds thereunder and each of which had a large amount of bonds in its sinking fund, the payment of interest on such bonds should be permanently discontinued and that such bonds be considered as extinguished.

13. That the annual payment into these sinking funds be discontinued until January 1, 1923, and that such money as would have been paid into such funds be used for extensions, additions and improvements.

14. That the consolidated company proceed with extensions of its lines in accordance with franchise requirements without unnecessary delay.

There was one complicating feature about this merger and one which might have blocked it, namely, the attitude of the minority stockholders of the Indianapolis Street Railway Company who opposed the merger all through and instituted a suit in the federal court to enjoin the carrying out of the merger plan largely on the ground that under the Indiana law such a merger could not be completed without the unanimous consent of the stockholders. They insisted that their stock, which had been paying a 6 per cent dividend out of the proceeds of a rental received by their company under the lease to the Indianapolis Traction & Terminal Company, was being supplanted as to earnings and security by the bonds of the Traction & Terminal which under the new agreement became junior to the bonds under the first two mortgages represented by Citizens Street Railway 5s ($4,000,000) and Indianapolis Street Railway 4s ($6,000,000). These minority stockholders also asked for the cancellation of the lease for nonperformance of the conditions thereof by the lessee and operating company. Another cause of complaint was that their stock under the new company would not draw dividends unless they were actually earned. This suit was disposed of a few months ago by the federal court's ruling in favor of the defendant's motion to dismiss.

II

But what of the fare situation? Ever since December, 1917, the Indianapolis Traction & Terminal Company had been trying to get an increase in fare which for many years had been five cents cash, six tickets for twenty-five cents, and twenty-five tickets for a dollar with universal free transfers. When the original franchise was granted in 1899 the street railway company was well satisfied to secure this rate, for Tom Johnson of Cleveland was then the young Lochinvar with his three-cent fare idea. Moreover, there was a three-cent fare law on the Indiana statute books, passed in 1897 but later declared unconstitutional in the courts.

The Indiana public service commission, in December, 1917, declined to take jurisdiction of the petition for an increase in fare because of the contract between the company and city, and not until the Indiana supreme court decided that there was an emergency existing and ordered the public service commission to entertain the petition was anything done by way of relief.

After all these preliminaries in August, 1918, the hearings began and lasted for many days. Most of the time was consumed over an inventory presented by the company which could not stand the strain of the valuation claimed, $24,018,040.83. Pages of testimony were taken as to financial history, service, labor conditions and other factors and for the first time the public learned of the Indiana Company which received about eight million dollars worth of securities for two and a half million dollars worth of construction work at the time the Indianapolis Traction & Terminal Company came on the scene in 1902.

The chief engineer of the commission made a tentative valuation of fifteen million dollars. The commission found the valuation to be somewhere between fourteen and sixteen million. Of course, the case was not one calling for a valuation, but was simply based on the emergency clause (section 122) of the Shively-Spencer utility act which permitted temporary relief under extraordinary circumstances.

Finally in October, 1918, the commission made a 60-day order, granting a straight five-cent fare with one cent for a transfer and a rebate when the transfer was used. The commission also ordered an average increase in wages of the company's employees of 50 per cent over the scale of July 1, 1918, which was then 25 to 33 cents per hour. The commission did this because they found a tremendous labor turnover which was operating to demoralize the service. The rate is now 37 to 42 cents an hour. This increase in the pay of the platform men naturally ate up a large part of the increased revenue.

Another significant feature about this transaction was the agreement of the company to the appointment of three public trustees, one by the governor, one by the mayor and one by the Indianapolis Chamber of Commerce. Much was expected of this plan but it did not result successfully for the three public directors resigned just before the expiration of the 60-day period, specifically because they would not join with the other members of the board in requesting the commission to raise the fare to six cents and generally because they felt that they could not extricate the company from the fetters of excessive fixed charges which they said were leading the company inevitably to disaster. Two of these public directors were especially well versed in utility finance, one being a railroad president and the other the organizer and director of a gas company. The third was a business man of wide experience. Each submitted a report to the commission showing why he had resigned.

III

The next order of the commission at the end of the 60-day period was made on December 28, 1918, and the salient point about this was that it ordered a change in the management of the transportation department, and advised the various interests involved to confer together to reorganize the financial arrangements, giving especial attention to the bonds in the sinking funds on which interest was being paid although these bonds had been bought in by the trustees under the mortgages. The commission said: "The emergency now existing, resulting largely from petitioner's own devices, can be brought to a speedy end by voluntary readjustments so that outstanding obligations will bear a reasonable relation to values."

This order resulted in action when, in June, 1919, a merger agreement prepared by a special committee of stockholders was presented, voted on, and accepted by the stockholders of the constituent companies, although the vote of the Indianapolis Street Railway stock was roughly 26,000 shares for and 14,000 shares against the merger. These minority stockholders, as explained above, waged a losing fight against the merger in the federal courts. Meanwhile the merger agreement was approved by the public service commission and the five-cent fare will continue until 100 days after the treaty of peace is ratified. So far as Indianapolis is concerned then it is the fate of the four-cent fare we are confronted with and the fate of the four-cent fare seems to be sealed.

So long as the emergency exists and so long as the company is operating under the terms of the emergency order, the public, through the public service commission, has a strong hand in the street railway situation in Indianapolis. The Indiana public service commission has probably gone as far or farther than any other commission in the country in the way it has dealt with this company and its affairs. Moreover, the city, through the board of public works, has very complete control over extensions and service if it only exercises its power; and it must be said that it is showing a disposition to do so.

It is a noteworthy fact that the public mind is much more friendly to the street car company than it has been in years and is much more sympathetic with the problems involved in the building of extensions, betterments and improvement of service generally. The new board of directors, which is largely local in character, is perhaps responsible for this new state of mind.

Indianapolis street car conditions are probably as stable as any in the country but there are those who feel that a permanent solution has not been found. On a five-cent fare the company is earning a revenue sufficient to give fairly good service and to pay a reasonable return on capital. The company recently asked the commission for a six-cent fare but the commission refused to docket the petition. Labor conditions seem to be satisfactory and the whole enterprise appears to be on a higher plane of service than ever before. The city is still far from having its requirements met so far as transportation is concerned, however, but the system is making an effort to meet the growing needs of a rapidly expanding industrial community which bids fair soon to reach its proper place among the great cities of America.

GOOD SEED AND DEEP PLOWING

BY EDGAR DAWSON

Field Representative on Civic Education, National Municipal League

It is Prof. Dawson's conviction that much of modern political reform principle is so solidly established that it may properly be made part of primary, high and normal school instruction in civics as it already is in the colleges. He is giving his entire time in 1920 to initiating this movement. :: :: :: :: :: :: :: :: ::

EDUCATION in sound thinking is the only answer to false propaganda. It has long been a proverb of the educational philosopher that those principles which we would make a part of the thought of the community we must write into the curriculum of the schools. For social and political safety, the teacher must be the moulder of thought. Mr. Roosevelt expressed this idea in one of his cogent aphorisms as follows: "If you are going to do anything permanent with the average man, you have got to begin before he is a man. The chance of success lies in working with the boy, not with the man." We know with what success the Germans followed this principle of education in moulding the public opinion of their people in the support of the kind of principles for which Germany stood. We do not agree with the principles which Germany propagated; but she was so successful in her work that the bloodiest of wars was necessary to check her progress. We do not agree with the principles which the apostles of anarchy and disorganization are now propagating; but unless the weapons of education are used now to check their spread the weapons of force may be required, and may not be effective, against a movement more dangerous to sound economic and political life than even the German propaganda was.

The life America stands for, however half-heartedly we have developed this life, is one of orderly and justly administered government by the majority, however large the territory had in view. We stand for a decent respect for the opinion of mankind as expressed through representative government and organized administration. The principles of organization, the concrete and visible expression of this life, must be made a part of our political thought and action and they must be sincerely and frankly applied unless we wish rising generations to be led away from them into new and untried paths.

At present we are not making use of the best means of propagating the soundest principles of organization for which we stand. We are neglecting our opportunities while the enemy sows the tares. One of the best known of our university professors of political science wrote recently in reply to an inquiry about a wiser method of teaching the principles on which our state governments should be organized to bring them out of the chaos in which so many of us think they now are: "I could hardly agree that the government of the states is in chaos. On the contrary I think that the great difficulty is that it is set on a basis of principles that do not apply,—separation of powers, wholesale election of administrative officers, lack of budget, mass rule in legislation, a weak governor, and an over-strong judicial system. *Of course it is a serious business to try to discourage these sacred principles.*" We need not argue the question whether the writer's quotation describes chaos or not. The word is not important. But that the condition of our state governments is wholly unsatisfactory will be conceded by any thoughtful student of them. Mr. Root calls them "invisible," meaning that they are in such confusion that outside and unknown powers control them. But attention must be called to the sentence in italics, which were not used by the writer quoted. It is said to be a dangerous business to try to educate the youth away from the false principles which account for the inefficiency and invisibility of our government. How shrewd need the false leader be to persuade the untrained citizen that it is time to upset a system in which invisible forces control his destiny?

CLEAN SEED IS READY

If we are to raise a crop of political thought in this country which will be worth perpetuating we must sow a different kind of seed; we must sow it clean; and we must sow it deep in the life of our community. Let us be concrete. What seeds shall we sow? Who shall sow them? How shall they be sown? What support shall we give to the laborer?

Some fifteen years ago the then leading public educator of the United States was chairman of a committee of the National Municipal League. The task of this committee was to investigate the teaching of municipal government and to report methods of improving it. In summing up the work of the committee, its chairman said that the main difficulty he had found was the fact that teachers did not know what to teach. Thought in this field was in a state of flux; no one knew what a city government should be.

This difficulty has now been removed. Through the efforts of the League, the seed has been cleaned. A model city charter has been prepared which expresses the best thought of the country on what a city government should be. If the teacher wishes to prepare for a harvest of confidence in municipal democracy he need only plant the principles of this charter deeply enough in the thought of the rising generation to make them bear fruit when his pupils come to voting age.

But what seed have we for a good crop of ideas on state government? As yet we have no model state constitution, but there is a movement a foot to prepare one. If the movement is successful the work of the teacher will be greatly lightened and his path made much more easy. The preparation of a model state constitution will be largely a matter of formulation and expression, for on the principles which should underlie it, the ablest political scientists are already in general agreement. In fact they correspond very closely with those which were written into the model city charter; with few exceptions, they have already been written into the Constitution of the United States.

INCONTESTIBLE PRINCIPLES

These principles are already too well known to the readers of the NATIONAL MUNICIPAL REVIEW for them to need elucidation here; but a few of them may be mentioned as illustrations of what the writer of this paper means by the good seed of sound democracy that we must make an earnest effort to sow.

The first principle is that the charter or constitution should be simple and brief enough to be understood and read by a well-educated person of average public spirit.

The second is that budgets must be made by the head of the administration which is to spend the public money. This principle is so far-reaching that it involves almost all others.

Executive leadership in a large part of the legislation must go with budget-making, for the formulation of policies must go hand in hand with questions of finance.

The principle of the short ballot is now so fully accepted by all thoughtful people that one is constantly astounded that so little effort is made to teach it and thus make its adoption possible in our states. It is, of course, necessary to the formulation of wise budgets, for the departments must work in unison, and this is not practicable unless they work under a head.

Out of the foregoing grows the principle that the administration must be divided into a manageable number of departments. The civil servants in these departments must be differentiated from those whose duty it is to lead in the formulation and execution of policies, and the civil servants must be appointed and promoted on the merit system.

The short ballot principle carries with it an appointive judiciary.

Home rule for each political unit in the solution of its own problems, preferential voting, scientific bill drafting, and the like would all find their places in a system of government such as we need and might easily have.

WHO IS TO TEACH?

But who is to sow the seed for a fruitful crop of sound political thought, of confident patriotism in a democracy? Whatever answer we may find to this question, the sower must surely understand the principles which he is planting and believe in them. At present, with all our enthusiasm for the teaching of democracy and for training in citizenship, we are assigning our classes in the elements of government to persons whose first interest is the teaching of Latin, mathematics, English, or the training of the athletic teams. Our normal schools, the *raison d'être* of which is to train teachers, scarcely pretend to train teachers of government. In fact in many if not most of these there are no classes in the subject. The reader may ask for a more concrete statement of this neglect. It cannot be made more concrete than in the words that follow: Our universities, colleges, training schools, and school administrators are almost totally oblivious of the fact that the study of government has resulted in the formulation of principles which are definite and certain enough to be taught as science to the rising generations. For most of these organs of our educational system the study of politics is a purely academic affair. They are not engaged in the "serious business" of trying to "discourage" "sacred" but utterly false "principles" of political organization. Persons become teachers without ever having heard of the executive budget; they teach the government of the United States without ever referring to it; the pupils graduate in total ignorance of it. In later years when they are busy earning a living they are indifferent to it.

The teaching of hygiene was largely responsible for the enactment of prohibition; the teaching of organized government would prepare the way for efficient and safe democracy. The touchstone of reality for our demand for Americanization is our willingness to demand and financially support such a reorganization of our educational system as will bring every high school child under the guidance for at least a year of some teacher who has been trained in the principles of political science.

TIME AND METHOD

If good fortune should at some not too distant day give us trained teachers of government for the schools, we should then be interested in two subordinate problems: First, the pedagogical method, and second, the amount of time that the teacher could claim in the course of study. The REVIEW is not interested in pedagogical methods, but it may be proper to say here that the leading students of child psychology, as applied to the teaching of political ideas and ideals, are in reasonable agreement as to the best methods for this purpose. They need only such support from the training schools and the administrators of education, such as superintendents and principals, as will make it possible to put the methods into practice. The need of trained teachers was mentioned in the paragraph before this. The need of time in which to teach is as important as training in how to teach. At present the work in government is looked upon as a sort of poor relation of history, and history of a very mediocre sort. It is rare that training in principles of government is given as much time in the high school as is training in the principles of physics. Almost never is it given half as much time as training in the forms of language or the principles of mathematics. Yet one might venture to doubt whether the habit of speaking correctly is more important than the habit of thinking correctly on the subject of citizenship. Some are convinced that the former is not twice as important as the latter. Those who administer school systems are not indifferent to their duty, they simply do not realize what their duty is; they do not understand that there are principles of government to be taught.

What support shall we give to the laborer? The answer has been suggested in the last two preceding paragraphs. The community must provide in a thoroughgoing way if our crop of citizenship is to be worth any effort. We must select good seed and sow it clean; and we must plow deep not only into the soil we have been using, but we must go down into the subsoil looking far into the future. We must offer salaries in the schools which will attract able persons. We must sternly insist that no one shall enjoy these salaries who has not been thoroughly trained for their work. We must assign in the curriculum enough time and in the budget enough money to make it certain that every pupil who graduates from a high school and thus passes into the leadership of our democracy shall be grounded in those principles which constitute the only safeguard against loose thinking; for loose thinking is the seed-bed of the demagogue, the disorganizer, and the false leader of every sort.

THE SAFETY VALVE

One paragraph may be added. There are those who will ask what political principles have to do with our economic unrest? The answer is that economic problems are problems of policy. If the young citizen can be given a philosophy on which will rest confidence in his government, in his representative legislature, in his administrative servants, in the judges of his courts, he will rest fairly comfortable in the realization that while all the problems are not solved, the community is doing the best it can to solve them, and that confusion and disorder will not add to the probability that they will be wisely solved. The right kind of teacher of government will always aid his pupils to understand that such questions as the tariff, the currency, the definition of property and property rights, are problems of the utmost difficulty. He will take excursions back into history to show that these age-long problems have worried statesmen in all generations; and that modern life makes them even more difficult. He will be able to show the pupils that such problems cannot be settled on the soap-box or in the mass meeting. He will create a disposition in his pupil to trust the best leaders that sound organization can secure, and to go about his work leaving to his public servants the task for which he has helped to select them.

A REVIEW OF CITY PLANNING IN THE UNITED STATES, 1918-1919

BY THEODORA KIMBALL

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This summary of the year's work in city planning is one of a chain of similar reviews that run back to the beginning of this magazine, constituting a serial and connected history of the movement; the earlier ones having been prepared by the late Charles Mulford Robinson. : : :

Although construction has been largely hampered by conditions of uncertainty and unrest, and although official comprehensive "reconstruction" programs for the United States as a whole have been conspicuously neglected, nevertheless a survey of city planning activity throughout the country offers substantial encouragement to those who see in orderly municipal development one effective remedy for industrial disorders.

"RECONSTRUCTION" AND CONSTRUCTIVE DEVELOPMENT

The term "reconstruction" as applied to the United States has been used chiefly in the sense of "constructive development." An examination of the measures introduced into congress in 1918 under the head of reconstruction reveals a lack of serious appreciation of the importance of developing environment in any constructive program; and the lack of presidential interest in any definite program has still further relegated to the background governmental interest in city planning and housing. Doubtless because our need is less acutely felt than England feels hers, our governmental attitude contrasts shamefully with that of the British Ministry of Reconstruction, the new Ministry of Health, and the Local Government Board. However, such programs as that of the National Municipal League at Rochester in November, 1918[1] include national, county, and city planning; such a notable address as Mr. Thomas Adams' "Housing and Social Reconstruction"[2] in Boston before the National Conference on Housing, indicates the leadership to which the forces of improvement may look; some of our municipalities have individually put forth reconstruction programs that show what vigorous organized citizenship can accomplish.

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[1] Cf. the article "A Motive and a Method for American Reconstruction," in the *American City*, November, 1918.

[2] See *Landscape Architecture*, January, 1919, for a convenient abridgment.

St. Louis,[1] Chicago,[2] and Rochester, New York,[3] should especially be mentioned for their published reconstruction "platforms." The St. Louis pamphlet contains a stirring introduction by Winston Churchill, a former St. Louisan, on the lessons of the war in community co-operation and on the vital need of city planning. The ability of St. Louis to raise money for war purposes is cited as an indication of what it should be able to do for permanent public improvements. The body of the publication outlines the principle features of the St. Louis city plan with cost estimates. The little Chicago pamphlet strikes a similar note, emphasizing the immediate necessity of public works, on the one hand to take up the labor supply of returned soldiers and on the other to carry on the construction of the Chicago plan interrupted by the war. The Rochester program is offered as a suggestion to the bureau of city planning as to possible first steps in the after-war development of the city. While other social features appear on the program, comprehensive city planning stands as one of the cardinals.

The introduction to the Akron, Ohio, plan (discussed later) states that it should be considered as a reconstruction program; and Cleveland, Ohio, Pittsburgh, and Johnstown, Pennsylvania, Albany, New York, as well as the state of New York, have notably gone on record with public improvement plans for our readjustment period.

PLANNING PROBLEMS OF LAND SETTLEMENT

The development of parts of our national domain, especially arid and hitherto waste lands, by the labor of ex-soldiers, with a view to their ultimate settlement on the improved land, has been proposed by the Secretary of the Interior; but the failure of congress so far to grant adequate appropriations for the prosecution of these public works has postponed action. It is recognized that the advance planning of the areas will be essential, and that government assistance in community development should be continuously carried on, similar to that offered by the state of California to its Durham colony, and to an even greater extent. The requirement of community planning in any such national scheme would mean signal progress in our rural program. If pressure can be brought on congress to grant appropriations, it is to be hoped that any future land settlement conferences similar to the one held in Minneapolis[4] in August, 1918, will lay due emphasis on this aspect of the problem.

WAR MEMORIALS AND THE CITY PLAN

Some of the proposals for war memorials have been, as they should be, intimately concerned with city planning. The most striking example that has come to the writer's notice is that of La Crosse, Wisconsin, which voted not to proceed with a soldiers' memorial until a comprehensive city plan had been secured.[1] Sketches and plans have emanated from many cities showing an appreciation of a fitting relation between any idealistic monument to be erected and its location. In a number of cases re-arrangement of streets and blocks desirable from other points of view as well have been proposed. Memorial parks and forests, memorial avenues, civic centers, community buildings and municipal auditoriums, memorial bridges, and many other forms of visible public works have been suggested or undertaken, some perhaps designed in an isolated fashion, but more of them than in our last era of soldiers' memorials considered in relation to other improvements. The good work of the American Federation of Arts and the American Civic Association in promoting the adoption of the right types of memorials should bear fruit. It is particularly worth noting that the state of Pennsylvania, by an act approved May 1, 1919, created a state art commission, whose approval is required both as to design and location of all public monuments anywhere in the state except in cities of the first and second classes (which naturally have municipal art juries).

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[1] *St. Louis after the War*, City Plan Commission, December 10, 1918.

[2] *Reconstruction Platform of Chicago Plan Commission*, December, 1918.

[3] *A Municipal Reconstruction Program*, Rochester Bureau of Municipal Research, October 25, 1918.

[4] *Land for returning soldiers*, Minneapolis civic and commerce association, interstate conference.

RESULTS OF WAR WORK IN TOWN PLANNING

In the previous review[2] of city planning the work of the government in housing workers in war industries was discussed. The value to the country, in peace as well as in war, of some permanent town planning and housing agency became so evident to a number of the leaders of civic improvement that a meeting was called in Philadelphia, January 3, 1919, to get a consensus of opinion as to the character and functions of the agency. It was put on record that the agency should serve in an advisory and educational capacity rather than as a constructing organization, and the possibility was suggested that it should supervise the loans for housing purposes if a housing finance bill[3] could be passed,—in somewhat the same way that the housing committee of Canada through its adviser, Mr. Adams, exercises control over the loans made to provinces under the recent Canadian $25,000,000 loan act. On the whole, unfortunately, our congress has been actively hostile to the government's town planning work, and indifferent to bills for continuing the housing bureau as such an agency recommended by the Philadelphia conference and proposed in the Tinkham bill. Destructive criticism of the bureau's town planning work—in part, at least, demonstrably based on a misconception of the facts—has further been launched by Mr. William E. Shannon,[4] formerly head of the real estate division of the bureau. In fact his opinion of town planning in general seems to be quite different from that held by Mr. J. C. Nichols of Kansas City, and repeatedly made public. For contrast, Mr. Shannon's attack should be read coincidently with Mr. Nichols' address of the previous year, at the national convention, "Real city planning results and what they mean to property owners."[5] The official action of the National Association of Real Estate Boards, in appointing a committee to promote the establishment of a permanent city planning commission in every city of importance in the United States, would seem to give encouragement that the majority of real estate men are not hostile to progress in town planning.

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[1] One is announced as in preparation by Mr. John Nolen, who laid out the park system for La Crosse some years ago.

[2] November, 1918.

[3] Cf. the proposed Federal Home Loan Bank, similar to the farm loan system.

[4] In an address before the National Real Estate Convention at Atlantic City in June, 1919, given wide publicity.

[5] Published as Bulletin No. 3 of California Conference on City Planning, November, 1918.

The best tangible proof of the permanent contribution of our war town planning work lies in the considerable volume just issued by the United States Housing Corporation.[1] This book is a record of the "activities and accomplishments of the housing corporation which were most directly concerned with the *design* of its various housing projects," and thus of the work of the architectural, town planning, and engineering divisions. The other volume is to cover the work of the transportation, homes registration, real estate, construction, and other divisions.[2] As a collection of clearly-presented pictures and plans, the book is remarkable, and the mass of tabulated data offers opportunity for students of the subjects to draw conclusions as to costs and types of development that should be immediately valuable in meeting the growing house shortage in this country. A selected bibliography[3] is included covering the most important articles on industrial housing in America and Great Britain, published during the war and to April, 1919. The text of the book is not technical, setting forth some of the more fundamental considerations of the problems in designing the war towns. In the hands of municipalities, housing companies, employers of labor, real estate men, technical designers of various sorts, and builders, both text and plates will form the largest available collection of such data. The book stands in a series with the park commission plan of Washington, or the Chicago plan, as one of the historic contributions to town planning literature.

The Construction Division of the Army has also issued extensive reports of its work in planning the camp towns, four publications[4] standing to its credit. In these there is much experience recorded of permanent value in construction work, not only in matters of roads and sanitation, but also of warehouses and port terminals, and of hospital construction.

A record of the work of the Emergency Fleet Corporation in housing shipworkers has been given to a limited public in the form of a portfolio[5] of interesting drawings without text or statistics. It is greatly to be wished that a comprehensive report of this other housing branch of the government could be forthcoming.

A brief summary of the technical lessons from the work of both Housing Corporation (by Mr. F. L. Olmsted) and Emergency Fleet Corporation (by Mr. B. A. Haldeman) has been published by the American City Planning Institute, following a meeting in Philadelphia, on January 26, 1919. Further detail studies on some of the questions there raised are in progress by committees of the institute and were to be laid before a joint meeting of the newly formed Canadian Town Planning Institute and the American City Planning Institute the latter part of October. The influence of the war on town planning matters appeared clearly also at the Niagara Falls-Buffalo meeting of the National Conference on City

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[1] Report of the United States Housing Corporation, vol. ii (Government printing office, 1919). Vol. i is not yet issued.

[2] A summary is available already in the brief Report of the Corporation, December, 1918.

[3] Also published separately as a preprint.

[4] Annual Report of the Chief of Construction Division, 1918; *National Guard and Special Camps,* 1918; *National Army Cantonments,* 1918; *Manual Engineering Section,* 1919.

[5] *Types of Housing for Shipbuilders,* Passenger Transportation and Housing Division, 1919.

Planning last May. Problems of regional planning and regional surveys were there given great importance. It is also of particular interest to note the publication by the Illinois State Council of Defense, Home Registration Committee, of a *Preliminary report on a survey of industrial housing and transportation in the southeastern district and Indiana Steel Towns.* This survey was issued by authority of the United States Housing Corporation, and is somewhat parallel to the survey now going forward under the auspices of the state of Pennsylvania for the greater Philadelphia industrial region. When one looks back analytically at two years' work in city planning, one realizes that an impetus has been given to the subject by the war that should equal many years of previous normal progress.

LEGAL STATUS OF CITY PLANNING

We are, however, in a very far from satisfactory condition in regard to the status of city planning under our constitutions and laws. One gets a rather gloomy picture of the situation from reading Mr. McBain's *American City Progress and the Law*, published last year, but a somewhat less pessimistic one from Mr. Frank B. Williams' general summaries in his *Akron and Its Planning Law* (April, 1919). Moreover, Mr. Williams makes constructive suggestions as to constitutional amendments which should be secured to alleviate the legal disabilities under which our city planning programs now labor. This report, prepared for the Akron chamber of commerce in connection with Mr. Nolen's plan, is the most useful recent compilation of city planning legal references yet published, comparing only with Mr. Williams' own studies in connection with Bridgeport three years ago. It is understood that he has in preparation a volume on city planning law, which will fill a great gap on our reference shelves, and will also undoubtedly stimulate revisions of existing non-progressive laws.

ESTABLISHMENT OF CITY PLATS

A very serious difficulty in the carrying out of city plans for undeveloped suburban areas has lain in the attitude of the courts, which allowed to owners compensation for buildings condemned within the lines of mapped but unconstructed streets. Mr. Whitten's report of December, 1917,[1] to the board of estimate and apportionment brought to light forcibly the situation in New York city, and recommended procedure whereby present obstacles to carrying out the official map may be removed. All proposed building not in accordance with mapped streets would be subjected to a stated delay before a permit could be issued, thus giving the city time to acquire the unopen street.

In Mr. Williams' Akron report just mentioned, we find that the Akron planning commission is also the platting commission, and that no deed contrary to the official plat can be recorded, according to the home rule charter of Akron, 1918; and the comprehensive Akron plan report of Mr. Nolen contains also a statement of the requirements for plats of new allotments, of general interest. In the Syracuse city plan also (discussed later) the work of the city plan commission in approving plats or preparing advance plans is to be noted.

DISTRICTING

A good summary of the situation in the United States to date in regard to districting may be found in Mr. Williams' Akron report, in connection with his recommendations for the city. Portland, Oregon, Alameda, California, and Niagara Falls, New York, have issued publications on zoning; and work on districting plans for Baltimore, Chicago, Cleveland, and Detroit are in progress. The St. Louis zone ordinance is in process of amendment to meet the strenuous objections of builders and real estate men, who claim it has militated against necessary construction. New York City is also having its districting troubles.

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[1] *Erection of buildings within the lines of proposed streets laid down on the final map of New York.*

Zoning and City Planning for Portland is the title of the first bulletin of the Portland city plan commission, June, 1919, Mr. C. H. Cheney, consultant. The Portland commission was permanently established in December, 1918, a housing code was adopted in January, 1919, and the Oregon state zoning act became effective May 29, 1919, at the same time with a state law establishing setback lines. It will thus be seen that Portland has an excellent background for her districting work. The zone ordinance outlined has eight classes of use districts, four classes of height districts (according to stories), and two classes of area districts. Neighborhood zoning recommendations embodied in sketch plans are to be put together to form a general zoning plan, which will be the basis of the zoning ordinance to be adopted.

The Alameda zone ordinance passed February, 1919, for which Mr. Cheney was also consultant, has similarly eight classes of use districts, four classes of height districts, and area classes according to the California state tenement house and dwelling acts. There are no unrestricted districts, and with all areas settled, a major street plan may be proceeded with. The makers of the ordinance believe that it combines the best features of the Los Angeles, St. Louis, and New York ordinances, and the city is hopeful of future benefits from it.

Mr. John Nolen's *Zoning Problem of the City of Niagara Falls* issued some months ago by the city's zoning committee, is a brief outline of districting regulations. Here there are six districts each in the use, height and area classifications, the determination of height districts being based on street widths, but with a fixed maximum height.

EXCESS CONDEMNATION

Again we find in Mr. Williams' Akron study a most valuable discussion of the subject of excess condemnation. He shows particularly in relation to the acquirement of land for public buildings how essential is the power of protecting the vicinity by a suitable arrangement of the land, as well as by height and appearance regulation of structures erected. He gives an admirable summary of progress in securing the power of excess condemnation in this country, with legal footnotes.

A survey of the excess condemnation movement in Europe and the United States is included in a report of the Chicago bureau of public efficiency, entitled *Excess Condemnation. Why the city of Chicago should have the power in making public improvements, to take property in excess of actual requirements. Lessons to be drawn from certain unfortunate aspects of the Twelfth street and Michigan avenue widening projects and the proposed Ogden avenue extension* (September, 1918). The report was issued primarily to aid in the movement to secure a constitutional amendment to permit excess condemnation in Illinois. The pamphlet shows in detail, with illustrations of the unusable remnants of land now existing, how the improvements referred to above could have been met successfully under excess condemnation powers. Some of the remnants are as narrow as three feet, constituting a menace to the appearance of the improved thoroughfares, through their invitation to billboards or clutter.

In March, 1919, the Detroit city plan commission issued a bulletin: *Excess Condemnation. A few facts in support of the proposed constitutional amendment approved by the common council of Detroit, March 8, 1919.* The text of the proposed joint resolution to be submitted to the people of the state is given and an excellent brief statement of the nature and advantages of excess condemnation.

CIVIC CENTERS

The "common sense of civic centers"[1] is coming to be appreciated more widely than in our first flush of enthusiasm for civic embellishment. The most considerable civic center report of the year is that published by the Milwaukee board of public land commissioners: *Grouping of public buildings; a report to the Milwaukee common council,* April, 1919. This report, prepared in accordance with a comprehensive city plan for Milwaukee now under way, is devoted to convincing the citizens of the need for a civic center and outlining this in relation to the arterial street system. The site as approved by Messrs. Olmsted and Nolen in their report of 1909, known as the Metropolitan park board site, with revisions, is recommended for the impressive building group proposed.

A proposed Liberty memorial and civic center for Berkeley, California, is of interest, as well as a civic group for Dayton, Ohio. Progress on the San Francisco and Cleveland civic centers should also be noted. It would appear that the civic center offers exceptional opportunity for war memorials, and without doubt many of the "community buildings" proposed for some of our smaller towns will form the nucleus for attractive centers of town life.

TRANSPORTATION AND TERMINALS

Cleveland, Ohio, is particularly concerned with a better co-ordination of railroads and interurban terminals, and with the location of the Union Station.[2] Chicago is also still wrestling with her unsettled terminal problem. The city of Detroit's railroad problem appears acutely in relation to grade crossings. The department of public works issued in 1918 a report on grade separation, outlining comprehensively the relation of the grade separation program to the city plan and other municipal activities. It canvassed the situation in Detroit in detail, with many illustrations, and in addition included an abstract of the laws governing grade separation in the various states, tabulated to show the division of cost.

Waterfront development receives especial attention in the report of the Baltimore city plan committee (mentioned again later), and in the St. Louis reconstruction program already reviewed, the latter pointing out the importance of inland waterway development in the United States. Progress on port development is also reported in Philadelphia, and again in New Orleans. An important document is the *Preliminary Joint Report* of the New York-New Jersey port and harbor development commission (1918), appointed under the laws of 1917 in New York and New Jersey to make a study of the

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[1] A title given to Mr. Nelson P. Lewis's address at the last National Conference on City Planning.

[2] *The Union Station: on the lakefront? or on the public square?* Cleveland Chamber of Commerce, December, 1918.

Metropolitan port district with recommendations. A questionnaire was sent out to the railroads, shippers, and warehouse interests, which is suggestive for other port development commissions. This joint report recommends a large technical organization to complete a comprehensive development report in two years, to guide future construction.

Perhaps the most thoroughly modern feature of terminal planning occurs in reports for Syracuse, New York, Stillwater, Michigan, and the village of Grand Canyon, Arizona, all of which provide for air service terminals. A station at Syracuse is located on the government's transcontinental aerial mail route, which in itself suggests adequate landing places in the new city plan. Four fields are proposed together with a large airdrome well outside the city. An air zone two miles in diameter over the city proper is suggested to be reserved, in which aviators may not fly, endangering the public beneath. The Stillwater and Grand Canyon reports refer to the future of aerial transportation, and call for aero landing places.

PARKS AND PLAYGROUNDS

A system of parks for Aurora, Ill., is the title of a report by Mr. M. H. West to the board of park commissioners of Aurora. The report outlines a comprehensive park system for the city, and lays especial emphasis on the development of play spaces in connection with schools.

CITY PLANNING PROMOTION

In the act establishing a bureau of municipalities[1] in the Pennsylvania State Department of Internal Affairs, it is expressly stated that part of the bureau's duties comprise publicity service to "promote a comprehensive plan or series of plans for the probable future requirements of cities, boroughs, or townships of the Commonwealth, either separately or jointly. . . ." In the state of Vermont, Norwich University has prepared a "program of civic preparedness for Vermont communities" in a publication[2] which while giving general principles aptly applies them to local conditions.

The first considerable treatment of the subject of city planning promotion has appeared this year, fittingly written by the managing director of the Chicago plan commission, Mr. Walter D. Moody. Entitled *What of the City?* and well illustrated, it is intended to have a wide popular appeal not only in Chicago but all over the country. A sub-title reads, *City planning, what it is and how to go about it to achieve success;* and as we read the record of Mr. Moody's work in "selling civilization" to the people of Chicago, as he calls it, we realize how many plans in other cities have languished because of inadequate educational campaigns. The reader of the book should take the repeated statements about Chicago's pre-eminence in all things in the spirit of the author, who says, "Chicago is not a city of boasters—it is a city of boosters." In spite of a considerable number of errors and oversights in the book, Mr. Moody and Chicago are to be congratulated on the enterprise and enthusiasm which the book reveals. It is seldom that one sees portrayed such absolute confidence in large and beneficial ideals and such devoted zeal in their promotion. While the later chapters trace the development of the Chicago plan, the early chapters and the concluding summary chapter point out in a striking and readable fashion what promotion work involves, how it is essential to the success of the city plan, and how it should be conducted, —in other words they form a little manual of the subject, and as such, should be extremely useful to those leading the city planning movement in other American cities.

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[1] Superseding the Division of Municipal Statistics and Information in the Department of Labor and Industry created in 1915.

[2] *Town planning: a program*, etc., by K. R. B. Flint (Norwich University Studies, Political Science Series, no. 2).

A new citizens' committee on city plan has been organized in Pittsburgh for promotional purposes and has issued a leaflet setting forth a broad city planning campaign. It is to be hoped that it may succeed in influencing public opinion to put through the extensive public improvements proposed for Pittsburgh, especially since local city planning interest aroused thoroughly several years ago seems to have lapsed. Johnstown, Pa., has been conducting a campaign of public education on its city plan through illustrated lectures given all over the city. The Dallas property owners' association (mentioned later) is also a publicity organization.

CITY PLANS PROPOSED

Comprehensive city plans or civic improvement programs have been proposed in the last year in Auburn, Maine, Bethlehem, Pennsylvania, Birmingham, Alabama, Charlotte, North Carolina, Decatur, Illinois, East St. Louis, Illinois, Flint, Michigan, Janesville, Wisconsin, LaCrosse, Wisconsin, Milwaukee, Wisconsin, Rockford, Illinois, Spokane, Washington, Springfield, Illinois, and Texarcana, Texas, but none of these have so far issued their plan reports.

Three general plan reports of importance, however,—Akron, Stillwater, and Syracuse already referred to,—have been published in separate form during the past year; and Baltimore's report in connection with the recent addition, and the Portland (Oregon) zoning report, might also be considered in the class of general plans. A report for Rockford, Ill., has been issued since the last review of city planning, but a copy has not yet come to the writer's hand.

In the Akron report prepared for the city improvement committee of the chamber of commerce by Mr. Nolen (1919), there is reproduced a series of interesting detailed data maps, forming a civic survey. Housing receives especial attention, since the well-known and excellent housing developments of the Goodyear and Firestone companies have set a high standard for Akron. The report contains a legal survey by Mr. F. B. Williams which is a summary of the later separate publication by him, already referred to in some detail.

The plan of Stillwater submitted by Morell and Nichols to the park board, 1918, notes that the town has unusual civic spirit and an exceptionally beautiful location. Unhappily a gridiron plan has been imposed on the very uneven topography, but it is hoped that a replatting of undeveloped lands may preclude a continuance of the mistake. Parks to preserve the sweeping views of bluff and river are proposed, and waterfront development briefly touched on, both in respect to preservation of natural beauty and to commercial uses. The report is frankly preliminary in character to stimulate the city to its civic possibilities.

The city planning commission of Syracuse issued its comprehensive report in 1919[1] after various interruptions owing to the war. Street system improvements are noted as retarded by the war but again under way. A better use of the old state canal lands is recommended since these form a serious obstacle in the development of the city. The proposals here should be compared with those in Schenectady where a city boulevard is proposed for an abandoned canal site. Two distinctive features of the Syracuse report have already been discussed, the work of the city plan commission in land subdivision and establishing the city map, and the development of air service terminals on an extensive scale.

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[1] Syracuse had in 1917 a comprehensive grade crossing report.

Baltimore's report was published in the *Baltimore Municipal Journal* for May 9, 1919, under the heading, *Report of the city plan committee, on the development of the territory added under the act of 1918, together with recommendations and suggestions on the railroad, rapid transit and harbor problems of the city*, Carrère & Hastings, Owen Brainard, and Oscar F. Lackey, consultants. There are illustrations and plans given and several columns of text. The street plan is outlined, zoning is mentioned as being further studied, parks are discussed with reference to the Olmsted plan of 1904, and transportation and harbor development are given particular consideration.

INTENSIVE STUDIES OF LIMITED AREAS

A thorough and very interesting report is that published by the Boston city planning board in 1919, entitled *The North End, a survey and a comprehensive plan*. This is similar in scope to the East Boston study already made, and taken together with this forms a plan for a considerable portion of older Boston. In fact, the North End study covers one of the very oldest sections of Boston now a congested tenement district. The historical development of the area is traced, and detailed plans (fully illustrated) for its improvement are outlined. Since the present character of the district is expected to continue, the plans show how it can be made as healthful and as pleasant a tenement district as possible. As a contribution to the tenement house problem, the report therefore has additional interest.

The St. Louis city plan commissions' *Twelfth Street, St. Louis' most needed commercial thoroughfare* is dated May, 1919. The report is a study for the improvement of a street to form the backbone of St. Louis' street system. Local and general interests in the city are said to desire it, and an ordinance is needed at once to authorize it.

Of quite a different character is the little study by Professor Frank A. Waugh for the development of the village of Grand Canyon, Arizona, published by the United States forest service, under whose jurisdiction the area belongs. The pamphlet has particular interest because it deals with a village on national territory, existing for tourists and planned in relation to the Grand Canyon. Automobile parking spaces and an aviation landing field are features of the plan.

The Dallas Property Owners' Association has been formed primarily to rejuvenate and improve the downtown district of Dallas,—the original city and its environs. Results of rapid growth have apeared in the distorted form of the city, and the association heartily endorses the inauguration of the city plan commission, and the evident intention of the city to develop along scientific and efficient lines. It wishes to co-operate with the commission and with the city development committee of the chamber of commerce. Mr. George E. Kessler has been engaged as engineer for the association, with Mr. L. V. Sheridan as resident engineer. All this is set forth in the first bulletin[1] of the association, April, 1919. The second bulletin, entitled the *Union Station District*, issued in June, 1919, is a study of one district in downtown Dallas near the new Union station, showing why much land is vacant, and therefore idle from the point of view of property owners, and what improvements are necessary to make this land desirable. The study is one in a series which the association expects to issue dealing with similar areas in the city. This work of the Dallas property owners' association is a stimulating example of the recognition of the business value of city planning, and of what an organized force in the city can accomplish to promote sound planning and development.

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[1] *Dallas Property Owners' Association. What it stands for and what it hopes to accomplish.*

ZONING IN PRACTICE

BY CHARLES H. CHENEY

Secretary California Conference on City Planning Consultant Portland, Berkeley, Alameda and other City Planning Commissions

This was considered the most valuable paper delivered at the recent Buffalo Conference on City planning. It represents the new, California viewpoint in some respects and advances ideas that are not, as yet at least, universally accepted, although received with entire respect by city planners. :: :: ::

ZONING is the first fundamental step in any city to establish a practical basis for constructive city growth. Until zoning is done, no city planning commission can effectively prove its case as to the necessity for the adoption of a Major Street Plan, or properly promote greater economy, convenience, safety, health and comfort in industrial, business or living conditions; nor make the city more beautiful and attractive. Once adopted, a well worked out zone ordinance will guarantee a definite and safe place for industrial investment; protect home neighborhoods, stimulate home ownership, and assure more contented labor conditions; remove much of the suspicion and uncertainty from real estate, while stabilizing property values afford greater security for mortgage loans; form a surer basis for assessment; and provide the city for the first time with a firm foundation for the solution of the problems of congestion, traffic, paving, sewers, public utilities, housing, schools, and recreation.

We cannot discuss residential zoning, the subject originally assigned for this paper, without first considering its objects with relation to industry and retail business. From practical experience in several cities, we found that the best way to draw boundaries of residence districts is to work out first the business and industrial boundaries —what is left will naturally form the residential zones. But before going into detail I want to lay before you in contrast the several kinds of protections which we must provide, from the point of view of industry, the worker, real estate investors and the ordinary home owner.

In the fall of 1918 with the war shipbuilding industry at its height the Emergency Fleet Corporation and the War Industries Board had to serve notice on many cities of this country that unless adequate housing were provided for shipworkers and munition employes, where they could live contentedly, large contracts might be taken away and new ones diverted to those centers which could meet these requirements.

INDUSTRIES MUST HAVE CONTENTED HOME CONDITION FOR EMPLOYES

Up to this time the matter of contentment of employes had not been taken into account so seriously, nor was its relative importance to industry so well understood. But when the labor turnover in shipyards on both seacoasts ran as high as 1100 per cent, or one new man for nearly every job in the yard each month, it became evident that the state of contentment, or discontent of the men, which caused their shifting about in such great numbers, was worth analyzing to find if possible some practical remedy. That a decent house must be furnished for every married man (and approximately 60 per cent of the industrial workers in Portland and other coast cities were married or had dependents) and that a comfortable place must be provided for single men, became a principle accepted by industries and the business world as an economic as well as a social problem, to be solved as a necessary part of each business undertaking.[1] Labor managers show that more than half of their employes being married, the preference is given to married men when a letout comes. Married men are naturally inclined to stick on the job and in the long run are considered more reliable than the single men, who think they can afford to be floaters and drift from yard to yard. The married workers have an average of four other dependents and the permanent location of this family of five in any city has direct bearing on the prosperity of neighborhood and downtown stores, and of the community in general.

In providing housing for industrial workers it was found that contentment depends also on municipal regulations and protection of home neighborhoods. Aside from the difficulties of getting a home at a price or on terms that workers can pay, we found in Portland,[2] Alameda and Los Angeles that many such men, though inclined to acquire homes, were afraid to do so for fear some one later would ruin their investment and home neighborhood by building an apartment, stable, laundry or public garage next door. Big industries and business men therefore have good reason to work for the establishment of protected residential zones, as a definite encouragement to home ownership and to more stable labor conditions.

DEMAND PROTECTED HOME NEIGHBORHOODS FOR THE POOR AS WELL AS FOR THE RICH

Labor leaders see this from another point of view. When the new act permitting the zoning of all cities in Oregon was up for final passage last March in the state legislature, some misunderstandings of it were expressed, to which I heard the acknowledged union labor leader in the house retort hotly, "you rich men live in protected and privately restricted home neighborhoods and let all the stables and public garages and other dirty businesses intrude into any block of the workers' home neighborhoods, to spoil all that they work and live for." (The bill was passed.)[1]

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[1] See "Labor Turnover" by Prof. George J. Eberle, of the University of Wisconsin, in *American Economic Review*, March, 1919.

[2] For a more complete statement of findings in Portland see "Zoning and City Planning for Portland, Oregon," published by the City Planning Commission, June, 1919.

INDUSTRIES MUST HAVE A SAFE PLACE TO INVEST

Industrial plants, stables, warehouses, laundries, etc., are offensive neighbors in home sections, so much so in fact that cities all over the country are excluding them by ordinance from residence districts. But we must have industries, and they are entitled to a safe place, officially established, where they can put in every investment necessary to meet competition, and be secure from the protest and annoyance of residences adjoining. The small home owner, the tenement or apartment, the cheap hotel are continually preying upon the need of adjoining industries to expand and buy them out, meanwhile making no repairs and permitting slum conditions to develop. Anyone who has looked over the industrial sections of a number of cities will recall that the slums are generally on the edge of the factory district, where uncertainty of the future use of property has made low rents and an influx of down-and-outers.

Close students of city development know that there is an increasingly large migration of industrial plants, both in America and in England, out of the cities into the country. If we fail to act promptly in establishing a safe place in the city limits our cities are liable to lose most of them altogether in the next decade.

We have found in Portland and elsewhere that a large proportion of our industries today have to do business on a residential basis, that is the small residence owners surrounding the plants refuse to be taxed for wide, heavy hauling pavements, extra large sewers for industrial wastes or for high pressure mains for extra fire protection, and protest loudly enough to block needed spur tracks in the sidewalks, elevated sidewalks for deliveries, and other modern facilities necessary to a live modern business, that has to compete with more favorably located manufacturers not similarly held back.

To put their industries on a competing basis and avoid these drawbacks, Alameda and some cities have established industrial zones in which no new permits to build residences will be granted. This seems to be the only effectual method possible to prevent factories from being driven entirely from our cities. A place must be made for them where they will feel safe in putting in their heavy investments or these investments will not be made. The chief engineer of the city of New York, Mr. Nelson P. Lewis, says that the prohibition of residences in industrial zones is one of the most important protections to put in a zone ordinance. He recently recommended it to the Illinois state legislature to be included in its new state zoning act.

REMOVING THE SUSPICION AND UNCERTAINTY FROM REAL ESTATE

Suspicion of real estate as an investment, on the part of the general public, has been prevalent for the past ten years, in fact pretty generally so since the panic of 1907. Tabulations of the losses incurred in the various cities of this country and Canada are only beginning to be available, but sufficient evidence exists to show that a number of the main causes of suspicion and uncertainty can be removed.

So many agents in different cities have told me of having the following experience that it seems well nigh universal. An agent sells an investor income-bearing property in a seemingly good location. Next month or next year the adjoining property is acquired by a new owner who turns it into an undertaking parlor, a laundry or a public garage, or builds an overhigh building on it, cutting off adjoining light and air, thereby depreciating the rental returns of the first investor and of other nearby properties. The real estate agent is then blamed, and most unjustly so, for having advised the first purchase. In other words there is no stability to real estate in most cities because of the lack of regulations to prevent undesirable uses of property from encroaching in the same block with good residence, good apartment or good business income-bearing property. Investors, banks and mortgage loan companies, as well as the small home owner, the renter, and both capital and labor have, therefore, recently become vitally interested in having sensible zone ordinances passed that will stabilize real estate values and remove suspicion and uncertainty from them.

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[1] Chapter 300, Oregon Statutes for 1919, effective May 29, 1919. It is identical with the California act, and similar to the New York and New Jersey acts.

THE FORM OF ZONE ORDINANCES NOW BEING ADOPTED

It is for such reasons[1] that zone ordinances have now been adopted recently in cities of all sizes and kinds throughout the country, including Los Angeles in 1909 (population 561,000); New York city, in 1916 (population 5,750,000); St. Louis in 1918 (population 780,000); Alameda in 1919 (population 32,000) and Palo Alto in 1918 (population 6,000). These ordinances have been presumably adopted to fit the special needs of each of these cities, but as a matter of fact it is well known that the earlier ordinances at least are largely a matter of compromise between what was needed and such opposition, mistaken or otherwise as developed at the time of passage.

Obviously it is the duty of the city planning commission to do its whole job, by proposing a zoning plan that will give all the protection needed to all kinds of building development and property in the same ordinance. We recognize that legally, as few classifications or distinctions as possible are advisable in a zone ordinance, and hence we are all trying to get this number down to a minimum. But each city has its own requirements and natural tendencies of growth which must be carefully taken into account and provided for.

Zoning discussions were started in Portland, Alameda, Palo Alto, Berkeley, Fresno and other cities with which I have been personally familiar, by printing a standard outline ordinance, in brief form as follows, which was handed to each person present at a zoning conference or meeting:

STANDARD OUTLINE OF A ZONE ORDINANCE

Three kinds of districts will have to be established:

Use Districts are necessary to prevent the scattering and intrusion of inappropriate and destructive uses of property, which make uncertain and decrease property values, and for other reasons stated below.

Height Districts are necessary to maintain proper light and air and for economic reasons. Thos. Adams says: "In our Canadian cities the skyscraper is the stepbrother to the vacant lot, only that for every skyscraper there are probably a hundred or more vacant lots. This is an unhealthy and uneconomic condition and is causing us to try and get a more even and less scattered form of development by restricting the use and height of buildings."

Area Districts are necessary to prevent overcrowding, and for the pretection of residence neighborhoods particularly.

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[1] For more complete statement of reasons see "Report of the Commission on Building Districts and Restrictions, New York City, 1916," also "Zoning and City Planning for Portland, 1919," and "Zoning for St. Louis, 1918."

The establishment of *Use Districts* alone would not fully accomplish the protection sought. *Height* and *Area District* regulations are equally necessary to prevent congestion and to secure light and air. Each is an inseparable supplement of the others. As long ago as 1909 the United States supreme court upheld the city of Boston in its right to establish a lower height limit for outside residence districts and a higher limit for downtown business districts.[1]

The degree of use, height and area district regulations necessary will vary according to locality, tendencies of development and natural conditions.

This ordinance would apply to new building permits only—existing buildings and uses not to be affected.

Amendments to the ordinance will be necessary from time to time to meet the growth of the city. No ordinance can be passed that cannot be amended.

The *Use Districts* apparently necessary are as follows:

- Residence Districts of:
  - Class I. Single family dwellings only.
  - Class II. Dwellings, flats, clubs, dormitories, apartment houses, hotels without stores, railroad shelter stations.
- Business and Public Use Districts of:
  - Class III. Retail businesses, trades and professions, railroad passenger stations, including residences of Classes I and II.
  - Class IV. Schools, public and semi-public buildings, churches, playgrounds, greenhouses, parks, including single family dwellings.
  - Class V. Retail business of Class III, plus public garages, dyeing and cleaning, undertaking parlors, wholesale business, oil supply stations, railroad freight stations and sheds, including any residence, business or public use of Classes I, II, III or IV.
  - Class VI. Hospitals, sanitariums, charitable institutions, including any kind of residence of Classes I or II.
- Industrial Districts of:
  - Class VII. Ordinary, not obnoxious factories, warehouses and industries, including any business use, but permitting no new residences of any kind.
  - Class VIII. Obnoxious and odor producing factories, including any kind of business use, but permitting no new residences of any kind.

Height Districts necessary seem to be (They may cover a number of different classes of Use Districts):

- 2½-Story Districts—Limited to a maximum of 2 stories and finished attic not to exceed a total height of 35 ft. to finished ceiling line of attic floor, above the curb.
- 4 -Story Districts—4 stories not to exceed 50 ft.
- 6 -Story Districts—6 stories not to exceed 70 ft.
- 8 -Story Districts—8 stories not to exceed 90 ft.
- Other Height Districts—If found advisable.
- These height limits would apply only to new building permits.

Two classes of *Area Districts* seem to be necessary for the protection of the residence districts:

- A Districts—Rear yard minimum depth at any level equal to one-third height of building.
  Residences not to cover more than 65 per cent of lot.
- B Districts—All buildings to be detached and rear yards to have a minimum depth equal to five-twelfths of the height of the building. Residences not to cover more than 40 per cent of the lot on the ground floor, nor more than 30 per cent above.

(Note.—In cities or states where little or no housing code has been adopted it is often advisable to have further area classifications, as in the ordinances of New York city, St. Louis, etc.)

This standard list is equally useful in a large or a small city, to start discussions with. Not all these classifications always prove necessary or advisable in the final ordinance,—thus in Palo Alto the city decided not to have any Class VIII districts inside the city limits, and only had need of two classes of height districts—2½ and 4 stories.

On the whole, however, the foregoing is the lowest number of classes of use districts possible to cover all the zoning problems of any city of size. It seems the minimum possible between the 3 very broad classes in the New York ordinance, and the 27 classes in the Berkeley ordinance of 1916. Briefly it consists of 2 residence classes, 2 kinds of business districts, 2 special business classes and 2 kinds of industrial classes.

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[1] *Welch* v. *Swasey*, 214 U. S. 91; 29 Sup. Ct. 567, decided May 17, 1909.

The reasons for having these classes are as follows:

USE DISTRICTS

Residence Districts of Class I—Single Family Dwellings Only

In most American cities, excepting New York city, San Francisco and possibly Chicago, 50 to 90 per cent of all buildings are used as single family dwellings. This is the measure of the home and the home ownership, the backbone of our nation which from all points of view—economic, social or moral—it is our most imperative duty to foster and protect. God grant we shall always keep them foremost in our minds in whatever zones or plans we make.

Eighty-two per cent of all the buildings in Portland (population 325,000) are single family dwellings. In a suburban city like Berkeley I found by actual count over 90 per cent single family dwellings, with almost the same proportion in Alameda. Evidently the job of the city planning commission was to protect these great numbers of blocks of home owners from the invasion of flats and apartments, with their renter and floater population, as well as from business and industrial buildings. Even if only a few blocks need this protection the classification must be put in the ordinance. We need flats and apartments, but not scattered through every block of the city, to discourage and make less desirable the home of the most important social unit, which is a single family, living and developing by itself.

Once a block of homes is invaded by flats or apartments, few new single family dwellings ever go in afterwards. It is marked, "on the toboggan." The land adjoining is forever after held on a speculative basis in the hope that it may all become commercially remunerative, generally without thought of the great majority of adjoining owners who have invested for a home and home neighborhood only.

A prospective buyer will go down a block looking for a home or home-site and if there be one building in the block that is a flat or apartment, or even looks like one, this buyer, nine times out of ten, moves out to a neighborhood where the neighbors will all be of the same home class, so I am told by realty agents. It is instinctive.[1]

Berkeley has established a number of districts of Class I in the piecemeal zoning done since 1916 (a method which is not recommended). St. Louis established a few blocks in Class I in its ordinance of 1918. In Alameda, about half the total area of the city was put into Class I; however, this included three-fourths of the built-up districts. In Portland about three-fourths of the total area of the city has asked to be put into Class I and I believe will be so established.

Residence Districts of Class II—Single Family Dwellings, Flats, Clubs, Apartments and Hotels

This is the general broad residence classification necessary for the older districts around the heart of the city, and for the traffic or car-line streets in outlying sections on which we find, from our use of property maps, that most of the flats and apartments build up. The renter class which occupy these buildings have few children on whose account to be afraid of traffic and cars, and they seem generally to prefer to be able to step from their door right on a street car going downtown.

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[1] Professor H. B. Hastings of Reed College has had students plot the dates and uses of all buildings in a large area of Portland, and the tabulated results bear this out.

In Portland we find approximately one flat, apartment or hotel for each 18 single family dwellings—in other words 6 per cent of the area allowed for all types of dwellings is all that is naturally required for Class II uses. To throw much more than this proportion of the city's area into Class II is, therefore, an unnecessary setback to home ownership, as this proportion is all the city has been able to absorb.

Business and Public Use Districts of

Class III. Retail business, trades and professions, including residences of Classes I and II.

Class V. Retail business of Class III, plus public garages, dyeing and cleaning, undertaking parlors, wholesale business, oil supply stations, including any residence, business or public use of Classes I, II, III, or IV.

These two classes combined cover all the ordinary mercantile pursuits, and together correspond to the single business class established in New York, St. Louis and elsewhere.

Retail owners, however, tell us that it hurts their business to have a public garage, an undertaking parlor, dyeing and cleaning works or other business of Class V next to them. The ordinary store, bank or office building, undoubtedly is damaged if this is permitted. Garages and Class V businesses generally seek the side streets and the lesser rents, but once in a while one gets into a strictly retail block and either destroys the rents on that side of the street, or else hold back a district properly belonging to retailers who would be glad to pay the higher rents. We believe on the Pacific Coast that the retailers are entitled to this protection and we are giving it to them by the establishment of a few limited centers of Class III with nearly always a few adjoining blocks in Class V, because we need garages and other Class V businesses at these centers as well.

Small retail businesses are necessary about every half mile across town, for the convenience of residence neighborhoods, and here public garages should be permitted. These small centers we have generally put into Class V without distinction, except where the district became a number of blocks in extent.

One of the commonest fallacies of real estate developers and speculators has been the attempt to shoe-string business, in outlying districts particularly, for miles along the main traffic arteries. Comparison of use of property maps showing existing buildings in several cities, should quickly convince anyone of this. In drawing the boundaries of these neighborhood business districts we have tried to hold down the amount of vacant property thrown into Classes III or V, to a total of two or three times the business that may be expected to be done there within ten or fifteen years.

It is the object of zoning to remove uncertainty and stabilize as much property as possible. In Portland we find that there now exists one store for each 60 people in these outlying neighborhoods; in other words for each new store business that can come into a neighborhood, and keep going, there must be at least an average of 12 new families. These neighborhood storekeepers tell us that they do 80 per cent of their business with families within five or six blocks of the store. When these adjoining five or six blocks are already 80 to 90 per cent built up it is obviously impossible to anticipate a great increase in the amount of new stores that can succeed in such a district, and to throw more than two or three times the existing store property into a business district at such a point simply means a lot of property held many years in uncertainty. The income from this property in the meantime, if improved with flats, apartments or dwellings, might well pay handsomely, instead of being a burden held out of use.

After property owners' eyes are once opened to these facts we find them much more anxious to have property on traffic streets put into Class II for flats and apartments, unless they immediately adjoin an established local neighborhood business center, also because real estate men can easily prove that flats and apartments without stores underneath, generally bring in better rentals than those with stores below; often considerably better than the small store rents of the ordinary one story neighborhood store building. We have established many small Class V districts in new neighborhoods, comprising as little as four corners only 100 feet square, with an adjoining block or two of intersecting traffic streets in Class II, and then many blocks in Class I.

The following figures are interesting in giving the relative number of existing business firms and institutions in coast cities, classified according to our standard list. The most of these cities are not yet zoned:

The relative proportion of each class to the whole, it will be noticed, is approximately the same in all of these cities. It is not weight of numbers that is important, but rather the relative effect of the various uses of property

COMPARISON OF EXISTING BUSINESS IN PACIFIC COAST CITIES*

City................. Date Counted.........	San Francisco 1918	Los Angeles 1917	Seattle 1918	Portland 1916	Oakland and East Bay† 1918	Sacramento 1918
Population............	568,600	561,050	363,700	272,500	314,050	57,955
Class III............ Depart. stores, hotels, offices, retail, banks, theaters and clubs	20,569	17,399	8,072	8,106	7,002	2,003
Class V.............. Wholesale bus., work shops, public garages and stables, storage houses, railroad stat.	2,041	1,688	1,529	560	616	404
Class IV............. Fire and police stat., relig. and educat. instit., parks, large clubs	457	752	417	441	396	105
Class VI............. Homes, hospitals	51	71	29	36	40	9
Classes VII and VIII... Manufacturing, yard stor., power ho., R. R. yards	835	1,047	446	431	474	141

* Compiled by the writer from counts made available through the courtesy of the Pacific Telephone & Telegraph Co.

† Comprising Oakland, Berkeley, Alameda, Emeryville, Piedmont, San Leandro and Albany.

that counts, and where we may permit them to locate, particularly objectionable uses, so that they will do the least damage to others.

Business and Public Use Districts of

Class IV. Schools, public and semi-public buildings, churches, playgrounds, greenhouses, parks, including single family dwellings.

Class VI. Hospitals, sanitariums, charitable institutions, including any kind of residences of Classes I or II.

These two special classes of business and public use districts are necessary to meet a widespread complaint, which we believe justified, that if these types of buildings are allowed to locate indiscriminately and without warning, they very often injure ten or more adjoining property owners to the benefit of the one. Even though they represent considerable groups in their public or semi-public capacity, it is certainly unfair to allow them to do any more damage to the desirability of a neighborhood or to its property and rental values, than is necessary. We need these buildings and institutions, but it is certain they will do the least damage if limited to a few well located centers. In the case of schools and churches, the neighborhood should certainly be consulted before they are granted a permit to build.

In practice we have established in Alameda, Berkeley, Palo Alto and elsewhere nearly every piece of property existing in a Class IV use, as a definite district of Class IV so that alterations and additions may be made, but require each new building of this use to have an amendment of the ordinance, with a hearing of the neighborhood before going ahead.

As pointed out by retail business men, public buildings, schools, churches and other Class IV uses block the path of retail business. They are "deadheads" as far as customers are concerned. To cover this we have excluded Class IV uses from the Class III business districts.

Class VI districts, for hospitals and charitable institutions, are a serious problem. Existence of these buildings makes it difficult to dispose of the adjoining property without very considerable loss of values or rents. I find the assessor in Portland and in other cities reducing at least 10 per cent of the assessment of all property adjoining within a block, when a new hospital is built. This totals a loss in taxable returns to the city, often of a much greater amount than the value of the new hospital, to say nothing of the two or three times as much loss, at actual value, to the property owners themselves.

Hospitals and sanitariums have for years invaded the best residence districts of most of our cities, and have often been the subject of regulation, usually a special permit being required, approved by the city council. This permit method is, however, very unsatisfactory to all parties concerned, both as to hospitals and as to other types of uses, about which there is conflict of opinion or interest. City officials are generally glad to do away with it in favor of the fairer and surer zoning plan, which saves them much pulling and hauling.

In practice we find very few neighborhoods willing to establish permanent hospital districts of Class VI, even to include existing institutions. But we must have these institutions, and the least damage is done by forming a few better located hospitals into permanent districts, and requiring new institutions of this kind to locate adjoining them.

Industrial Districts of

Class VII. Ordinary, not obnoxious factories, warehouses and industries, including any business use, but permitting no new residences of any kind.

Class VIII. Obnoxious and odor producing factories, including any kind of business use, but permitting no new residences of any kind.

We find two objects to be fulfilled in the establishment of industrial zones.

The first is to set aside certain reasonably small parts of the city, accessible to transportation, where the city and the factory owner can jointly install those special facilities which make industries able to compete, or have an advantage over other cities and districts. Briefly, these are:—wide heavy hauling pavements; extra large sewers for industrial wastes; extra high pressure fire system; enlarged water main; unlimited spur tracks in the sidewalks if desired, or elevated sidewalks for deliveries; access to harbor or river, closing of all streets unnecessary to through traffic; high tension power lines; permanent convenient location of freight depots, team tracks and classification yards; and adjustment of street car lines to deliver employes conveniently.

It is evident that a beginning must be made somewhere in the concentration of these facilities. Neither city nor industrial owners can afford to install them in many places, nor much in advance of their actual use, although a beginning may well be made in two or three widely separated sections of the city at once.

The second object to be sought is a safe place in which industries may invest and know that they are not to be held back by small residence owners. Hence we have found it better to make our industrial districts small and compact, with few properties thrown into them until actually in industrial use, unless prohibiting the small home-owner, or the building of further residences of any kind that might sooner or later hold up facilities required, and smother the industries, as is now the case in so many cities.

Two Classes of Industrial Districts Necessary

In Portland,[1] Berkeley, Alameda and other cities we have started our discussions on the requirements of industrial zones by sending a questionnaire to every employer of ten or more workers asking what kinds of industry they can best do business adjoining and what facilities are required. These answers point out the absolute necessity for a distinction between Class VII and Class VIII industrial districts, as outlined above. A food products factory cannot be next to a soap works or chemical works for fear of having its product tainted. The ordinary make-up industries say they could not keep their employes if excessive odor or smoke producers be permitted next to them.

Most cities already have some kind of regulations requiring slaughter houses, tanneries and similar industries to which there is much objection, to locate in outlying sections. Yet only a few years after they get well established there, however, we find them again surrounded by small home owners, who proceed to organize and sooner or later drive these industries out, as nuisances. The fair and constructive way is to establish permanent zones for industries of the Class VIII type on the windward side of the city and prohibit any residence therein.

Most cities have followed the lead

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[1] For summary of answers and other figures see "Zoning and City Planning for Portland, Oregon, 1919," published by the city planning commission.

of New York in making their zone ordinances apply to new building permits only, all existing uses and heights not in conformity with the several zones established, not being affected. This simply prevents matters from getting worse without curing flagrant existing conditions.

Los Angeles on the other hand, as far back as 1909, passed a so-called retroactive zone ordinance, as to industries and nuisances in residence districts, giving laundries, brickyards and various manufacturing plants one year to get out without compensation. While drastic and undoubtedly necessary in certain cases, this type of zoning is not recommended. It has, however, been upheld as legal and proper in a number of cases, both before the California supreme court and the United States supreme court.[1]

The time to prevent the driving out of industries, and losses so incurred, is before they locate. Our coast cities (and many others) are very young, just beginning to grow up. They are due to be a number of times the size they are now, with an industrial expansion I believe hardly yet dreamed of. It is not too late to begin the establishment of the right kind of permanent industrial zones in these or any other cities. Competition will very likely soon force every city serious in retaining existing industries or securing new ones, to establish this kind of concentrated industrial zone, in which dwellings are prohibited, and where real facilities are to be found.

While we appreciate the great step forward made by New York and other large cities in establishing their "business," "residence" and "unrestricted" districts, the last as the name implies, are simply a part of the zoning and city planning work left unfinished. There is danger to smaller cities in blindly adopting the New York or in fact any other city's zoning regulations. Once industrial property owners understand, they are quick to demand zoning that will remove the menace of the small home owner from the industrial neighborhood and make a place really safe to invest and develop facilities. The "unrestricted" district of course does not do this—it merely tolerates industries, without prohibiting impediments or concentrating facilities.

HEIGHT LIMITS

In establishing height limits, we have adopted story heights as our unit because they are absolute, and definite as a measure of congestion. Reference to street widths is variable and unfair in most cases to property interests, as that method favors the owner facing wider street or a square. To limit congestion and make a more even and fair distribution of the use of land is equally important with securing proper light and air. We have also established a maximum height limit in feet, measured to the ceiling line of the top story, instead of to the mean height of the roof, as the latter method condemns the city to flat roofs.

Two and one-half story height limits are necessary to home neighborhoods, if they are to maintain their natural tendencies of growth. In Portland, we find 97.4 per cent of all existing buildings to be 2½ stories or less in height, including approximately all the single family homes of the city; in Berkeley 98.4 per cent and in Alameda 99.6 per cent. Most all the outlying residence districts in Portland have asked for a 2½-story height limit.

Those who argue for a 3-story height limit for residence use zones, will generally be found to contemplate invading them with flats or apartments of this height. The prospective home purchaser going down a block will appraise carefully the *semblance of use* of each building. It is not a matter of esthetics or beauty at all, but one affecting seriously the desirability of the neighborhood in the mind of the purchaser. A 3-story limit is prejudicial to home buyers, and where a large proportion of owners, each with a house of 2½ stories or less, desire to maintain this home character of the neighborhood, they are entitled to do so, in our opinion. Districts already invaded by a few 2-story and attic flats can even be reclaimed (as to desirability and values we believe) by establishing this 2½-story limit, which requires a pitched roof like most residences and thus preserves the semblance of single family residence use.

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[1] The most notable of these is *Hadachek* vs. *Sebastian*, 36 Sup. Ct. 143 (1915).

A 3- or 4-story height limit is the maximum advisable to allow in the outlying districts of large cities. Families should not be permitted to pile up in apartments to a greater height for reasons of safety, convenience and health. Commercial speculators will promote higher limits for selfish reasons, but most property owners realize that two 3-story buildings are worth more than one 6-story building, which generally sucks all the tenants out of neighboring lower buildings, while seldom paying any large returns of itself.

A 2½-story height limit for residence districts and a 4-story limit for business districts is sufficient for small cities. Alameda and Palo Alto have adopted these limits, with comparatively small 3-story districts covering Class II apartment house zones. In larger cities other height limits are established as required. The tendency in all cities at present seems to be to hold the height down as far as possible, to a sensible limit that will guarantee light and air after the district is built up solid. In making any limits we must always think of the situation as it may ultimately develop.

Methods of Determining Zone Boundaries

One of the most important matters in all city planning work is to guard against being autocratic. Property owners naturally resent being told what they shall do with their own. All city planning commissions find that there is at first very little understanding of the necessity for zoning regulations or the determination of a major street plan, or other city planning steps that must be taken. Yet it is as much their duty to enlighten property owners and others directly affected as it is to secure an agreement with them upon an acceptable plan that can be adopted by the city council. City councils can be expected neither to adopt plans for which no general public demand and understanding has been created by the city planning commission, nor to initiate such plans. The attitude of the city planning commission must continually be with property owners, districts and meetings, "What can we do for you?"

On the Pacific Coast we have adopted a method of working out zoning boundaries which has the double advantage of enlightening each neighborhood of the city as to what it needs, and of having zone boundaries proposed by property owners themselves, in a thoroughly democratic way. We have gone directly to each of the various neighborhoods that have naturally grown up (in Portland some 28 in all) for conference. The president of the planning commission appoints an advisory committee of five to seven representative property owners, and we sit down with this committee, in each neighborhood in turn, with our use of property map, heights of building map and other carefully prepared data, and they suggest where to draw the boundaries of the business, residence and industrial zones, and the heights and area limits needed for their proper protection. These suggestions, drawn up in a brief signed report and diagram, are read by one of the committee to his neighbors at a neighborhood zoning meeting called by the planning commission in the neighborhood schoolhouse, library or civic club, notices of which are sent by card to every building in the district, and publicly posted every two or three blocks. After careful explanations by the consultant and member of the planning commission, this report is ratified or amended, and becomes the preliminary recommendation of the neighborhood to the city planning commission. When these committee and neighborhood meetings are finished the city planning commission pieces together the diagrams and recommendations so evolved into a general preliminary zone plan for the whole city, behind which there is already a definite demand and sentiment. After general public hearings to see if anything has been overlooked or readjustments necessary, the commission can send this zone plan to the city council, with the knowledge that it is the plan of the property owners of the whole city, not of the commission alone, and with a group in each neighborhood ready to fight for what they know they want.

This procedure is both the most scientific and the most democratic we have been able to conceive. There is danger in it however, if the neighborhood committees are not given complete information by the consultant and representatives of the planning commission as to the data collected; and any neighborhood meeting held without thoroughly informing a few of the property owners in advance is likely to go wrong. But with caution, tact and carefully explained maps the city planning commission can in no better way find out and interpret the necessities of neighborhoods to be taken care of in the permanent city plan.

Every city can show a large number of property owners who are against zoning and all other city planning proposals which are new to them, no matter how suitable or practical they may be. But take up with these same men the specific question, "shall the city permit a laundry, a public garage or even an apartment to go next door to your house?" and the matter has a different aspect immediately. As a neighborhood affair among neighbors, which it really is, practical proposals are soon forthcoming, and generally with the profound thanks we have found, of those most vitally concerned. I believe we have sometimes made the mistake of too much general talk and publicity, and of too little conference with neighborhoods. The genuine civic consciousness aroused at these meetings is better in effect than many years of general agitation. It creates a real understanding and demand for city planning. With the zoning finished it is easier to get an agreement on a major street plan, paving program, tree planting program, boulevard system, etc.

Success from the adoption of these methods is predicated upon the city's establishment first, of the proper machinery, *i.e.*, a permanent city planning commission, founded by ordinance; and second, of continued adequate appropriations for the commission, by which it can employ competent help, prepare complete data maps and assume the responsibility incident to giving that real co-operative service in planning the city's growth, which alone justifies the existence of a city planning department.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Out of the Ruins. By George B. Ford. New York: The Century Company, 1919.

Mr. Ford has written an account of reconstruction in France at once interesting to the general reader and valuable to the student of government. It is the latter aspect of his book that will be taken up here. Well known as a city planner in New York and other cities in this country, chosen early for reconstruction work in France by the American Red Cross and quickly recognized there at his true value, his experience well qualifies him to treat this subject. From the modest narrative the reader will get little idea of the importance of Mr. Ford himself in the activities of the Red Cross, and no hint of his manifold usefulness in other related fields.

Mr. Ford's book gives not only a general account of the task to be accomplished in the devastated regions of France and the progress so far made, but at the same time a multitude of specific facts, figures and references which will enable the special student to consult original sources in so far as available here or, in time, get the information from the other side. The subjects covered include all phases of the work of reconstruction, such as the condition and resources before the war of the various devastated regions in France, including Alsace and Lorraine, the nature and extent of the war damage in each of these regions, the organization and methods of temporary and permanent relief, public and private, in the various localities, the legislation upon which it was based, etc. There are many illustrations and maps, the most interesting, perhaps, of which indicates the nature of the devastation, and needed reclamation in detail by showing (1) the exact limit of German advance; (2) the zone where only removal of projectiles is necessary; (3) the zone including trenches and shell holes to be filled; (4) the zone where cost of bringing back exceeds value of land.

Particularly helpful are Mr. Ford's chapters on recent legislation in France, which the critical events of the last few years have brought forth, relating not only to the restoration of the devastated regions, but to the principles of city planning and construction throughout France for all future time. These laws deal with (1) the repayment of the damages caused by the war,[1] (2) the reparcelling of rural land,[2] (3) the increase of the power of excess condemnation,[3] and (4) city planning.[4]

1. As a basis for the law for the repayment of the damages caused by the war, France has adopted a principle new in legal history. Hitherto the state has refused to assume liability for any of the acts of the enemy and for many of the acts of its own citizens in the conduct of war. Relief has in such cases often been granted, but it has always been limited to certain selected cases or classes of cases, thus making it more or less arbitrary and a matter of charity rather than of right. In the present law, the French people "in recognition of the equality of all Frenchmen and the solidarity of the nation" assumes liability for all damage caused by the war, not so doubtful or remote as to be incapable of legal adjustment; and by requiring or encouraging the expenditure of the money so allotted in the devastated region itself, it to some extent makes good even the indirect losses by restoring a measure of prosperity to the region. The enactment of this law, while in no way essential to the claim of full recompense against Germany, certainly strengthens that claim.

2. The law for the reparcelling of rural property was rendered a necessity by the destruction of boundary lines and title deeds in the devastated regions. The need of such a law, however, is much wider and more general. Throughout France by custom and the law of equal inheritance among children, agricultural lands have in many cases become by subdivision too minute for profitable cultivation or the application of modern methods of agriculture. Conditions were the same in many continental countries; and in most of them statutes more or less similar to the French law just passed have existed for decades and proved most useful. From them

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[1] Law of April 17, 1919. Belgium passed a similar law a little later.

[2] Law of November 27, 1918, amended March 4, 1919.

[3] Law of November 6, 1918.

[4] Law of March 14, 1919.

have developed laws for the replanning of building land, which are also of great service, the best known of which is, perhaps, the German "Lex Adickes."

3. The law with regard to excess condemnation while not, as the casual reader of Mr. Ford's book might infer, the first statute of the sort in France,[1] greatly extends this power. Under it, the right is also given to impose an excess benefit tax on any neighboring property, not taken, whenever its value is increased more than 15 per cent by the improvement.

4. Of most interest of all these statutes to us is the City Planning Law, a brief account of which was given in the October issue of this magazine. Of this law, Mr. Ford says:

"It is the first broad compulsory national town-planning law in the world, and France has set a standard which other nations are hastening to copy. It was on the strength of the example set by France that the British House of Commons voted on May 28, 1919, a law making town-planning compulsory throughout England from 1923."

It may be doubted, as the hasty reader of the above passage might infer, whether the new French law deserves to be considered the completest and best law on this subject in Europe. Nor should it be forgotten that the English statute of 1919 was the result of many years of discussion and effort. And, while a measure of state control in city planning certainly seems essential, it must still be regarded as uncertain how far that control as a limitation on local home rule should and will prevail. In any case the passage of the French statute is a great event in the history of city planning and the measure deserves the careful study of city planners everywhere.

Of importance equal, perhaps, to that of these statutes are the new sanitary ordinances, known as "Model A" for cities, and "Model B" for villages and rural communities. These ordinances set a much higher housing standard than any that has ever prevailed in France. Their importance is due to the fact that under the law with regard to the payment of the damages of war in the devastated regions already referred to, all reconstruction paid for by the state must conform to the requirements they set and the state defrays the extra cost thereby incurred.

Frank Backus Williams.

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City Manager in Dayton. By Chester E. Rightor. New York: The MacMillan Co., 1919, pp. 271.

Mr. Chester E. Rightor of the Detroit Bureau of Governmental Research and his collaborators, Dr. Don C. Sowers, director of the Akron Bureau of Municipal Research and Mr. Walter Matscheck, secretary of the civics department of the Chamber of Commerce, Kansas City, Missouri, have laid all students of municipal government under a great debt by publishing their study of the city-manager plan in Dayton. All of them were formerly connected with the Dayton Bureau of Municipal Research and, therefore, have first hand information on the subjects which they cover in their volume.

In a few pages, they tell us how Dayton came to adopt the city-manager idea and set about installing the new system. In a few more pages they show how the first manager, Mr. Waite, built up his organization, carried on the routine of his office, prepared the budget and co-operated with the people of the city in making the manager's program a vital part of civic thinking in Dayton. Then follow chapters on the great branches of municipal administration, public welfare, public safety, public works and public finance. In these chapters are set forth in very concrete form, the measures taken by the Dayton government to improve all of the branches of public service. Sixteen pages are given to a very frank and illuminating discussion of the 1917 campaign in Dayton, the attacks made upon the city-manager plan, and the methods employed by the defenders of the idea on the one hand and the opponents on the other. Pertinent illustrations and graphs enhance the value of the work.

There are many people in the United States to whom this volume will be helpful. There are more than 150 cities and towns now trying out the city-manager idea. In each of them there are officers and citizens who will find in the work programs laid out in this volume, guidance and inspiration. The fate of the city-manager plan is still hanging in the balance and those who see promise in the idea will do well to ponder the lessons set forth in Chapter XI dealing with the struggle recently waged to overthrow the Dayton system.

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[1] The previous enactments are: The decree-law of March 26, 1852 (originally applicable only to Paris but now extended to many other cities), amended by par. 118 of the law of July 13, 1911, and the law of April 10, 1912; the law of February 15, 1902, amended June 17, 1915.

It will be noted that our authors are very careful to point out (page 211) that the socialists' objection to the system of election at large, which makes possible minority government, is in fact an objection to a one element "not in any way vital to the city-manager plan." In a phrase that recalls Patrick Henry's celebrated remark about George III, our authors say, "Dayton may profit by the experiments being made in Ashtabula, Kalamazoo and elsewhere." It would be unfortunate if socialists and other critics of the city-manager plan should be allowed to destroy an experiment which is so full of promise in uniting skilled technical service with popular control.

Although Mr. Rightor and his collaborators are frankly partisans of the city-manager plan, it must be remembered that a great part of their volume deals with organization and administrative methods that are matters of fact about which there can be little controversy. These matters of fact are illuminated by first hand contact with them, and contested points are dealt with fairly and in good temper.

The volume is a genuine contribution to that rapidly increasing body of literature out of which the science of municipal administration as a going concern will be formulated in the years to come. We are moving steadily away from the literature of arid description, criticism and abuse toward the literature of constructive helpfulness. In this advance municipal research workers have done their full share. No one in the municipal research movement has any cause for feeling over-righteous but there is good reason for believing that the movement is proceeding on sound lines. The volume before us is proof of that fact. We should always remember, however, that our motto should be "Work, more and better work."

C. A. Beard.

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County Administration. By Chester C. Maxey. New York: The Macmillan Co., 1919. Pp. 203.

The title of this book suggests something more comprehensive than the contents warrant. It is, in fact, a study of county government in Delaware, constituting a portion of the survey of that state made last year by the New York Bureau of Municipal Research.

Delaware, as Dr. Beard points out in the introduction, has certain unique advantages for a study of this kind. Chiefly, it is virtually a state in miniature. It has but three counties and the author surveyed them all.

What Mr. Maxey found in his survey forms a striking confirmation of what students of county government all over the country have discovered: an archaic institution, amorphous, irresponsible, inefficient. Before much can be done by way of introducing modern administrative methods the structure must be made over. This Mr. Maxey proposes to do by introducing the county-manager type of government. But there should also be a separation, he indicates, between the urban and rural parts of the state for the administration of the state law. This would involve consolidation of all the local governments in Wilmington into one, to form an urban county; the rest of the state would constitute a single rural county.

There are a number of excellent diagrams and a good bibliography. Mr. Maxey has made an important contribution to a very much neglected subject.

H. S. Gilbertson.

II. BOOKS RECEIVED

Consumers' Co-operation. By Albert Sonnichsen. New York: The Macmillan Company. Pp. 223. $1.75.

Education and Citizenship and Other Papers. By Edward Kidder Graham. New York and London: G. P. Putnam's Sons. Pp. 253. $1.50.

Electric Franchises in New York City. By Leonora Arent, Ph.D. New York: Columbia University. Longmans, Green & Co., Agents. 1919. Pp. 183.

Explaining the Britishers. By Frederick William Wile. New York: George H. Doran Company. Pp. 126. $1.00.

Fire Department Motor Apparatus Instruction. By Captain Daniel A. Sullivan. New York: Civil Service Chronicle, Inc. Pp. 96.

Motion Pictures in a Typical City. By Rev. J. J. Phelan. Social Survey Series III. August, 1919. Printed by Little Book Press, Toledo, Ohio. Pp. 292. $2.00.

Municipal Reference Library Notes. Volume IV. September 5, 1917–June 26, 1918. New York: Municipal Reference Library. 1918. Pp. 382.

Special Report on Municipal Accounts by the State Comptroller. State of New York. Albany: J. B. Lyon Co., Printers. 1919. Pp. 258.

The Future Citizen and His Mother. By Charles Porter. New York: Houghton Mifflin Company. Pp. 144.

The Labor Situation in Great Britain and France. The Commission on Foreign Inquiry of the National Civic Federation. 1919. Pp. 429.

The Powers and Aims of Western Democracy. By William Milligan Sloane, L.H.D., LL.D. New York: Charles Scribner's Sons. Pp. 489. $3.50.

Yearbook of the City of Charleston, S. C. 1918. Pp. 511.

III. REVIEWS OF REPORTS

The Framingham Demonstration—A Notable Test of Present Methods of Tuberculosis Control.—In December the Framingham community health and tuberculosis demonstration of the National Association for the Study and Prevention of Tuberculosis completed three years of existence, and would, according to the original plan of organization, have ended. It is, therefore, an excellent time for a review of activities and a summary of accomplishments so far, such as have been recently set forth in the statement of the executive officer and in the report of a special appraisal committee.

This community tuberculosis experiment owes its inception to Dr. Lee K. Frankel, third vice-president of the Metropolitan Life Insurance Company, who wrote in May of 1916, on behalf of the company, to the National Association, offering the sum of $100,000 for the purpose of conducting a three-year study of the efficiency and practicability of present methods of tuberculosis control as applied to an especially selected, average community. The offer was accepted; and Framingham, Massachusetts, with a population of about 16,000, was finally selected as the place for the demonstration by reason of its varied industries and race groups, its normal amount of disease, its excellent facilities for health service, and the readiness of the community to co-operate in the experiment.

Interest in tuberculosis has long been very great because of the enormous social and economic losses involved. The methods of attacking the problem of alleviation, though generally similar, have never before been applied in a sufficiently concerted manner to measure adequately their efficiency in accomplishing the results for which they were devised. The Framingham demonstration, under the supervision of Dr. Donald B. Armstrong, executive officer, has undertaken a determination of the most practical means for the discovery, supervision, and treatment of cases of tuberculosis in an industrial community, and an investigation of other diseases and of general external conditions with the view of establishing some possible predisposing factors. It has the primary purpose of testing the efficiency of such applications of the approved tools of tuberculosis control by a study of the effect to be observed on the case incidence and on the death rate.

At the outset it was realized that without the co-operation and support of the citizens, the experiment would fail. Consequently, much attention was given to the forming of a large local committee with sub-committees and neighborhood groups, to the organizing of a medical club for the local physicians, to the uniting of all agencies, public and private, collective and individual, for the furtherance of the project and for the common good.

The forces thus mustered have co-operated well with the staff of experts, the physicians, nurses, clinicians, sanitarians, and others, whose services are indispensable to the demonstration. They have afforded, moreover, a powerful civic machinery for disseminating the propaganda of health education and for supporting measures of health reform and making possible permanent improvement.

The activities of the demonstration having the person as a unit have included a sickness census of more than one third of the inhabitants, two medical examination drives in which two thirds of the population have been examined, infant welfare work, a Von Pirquet tuberculin test of some five hundred children between one and seven years, and the development and improvement of the school inspection system. The community enterprises have consisted of health education, an exhaustive study of the vital records, an investigation of social and economic conditions, and a thorough sanitary survey of everything in the environment understood as being prejudicial to health. The results of these activities have been analyzed and regularly submitted to the public in the form of elaborate monographs, procurable from Dr. Armstrong on request.

In reviewing the progress of the work to date, the report of the appraisal committee, October, 1919, says:

"The officers in charge of the demonstration have accepted what appears at present the soundest current viewpoint, that the most effective practical procedure for the control of tuberculosis lies in the development of machinery for its early detection and for the hygienic care of those affected or threatened with the disease. . . . The first step along this line must be a determination of the actual prevalence of tuberculous infection . . . and their efforts have been strikingly successful in giving us for the first time a fairly complete picture of the amount of tuberculosis actually existing in a typical American community."

When the health experiment began, 27 cases of tuberculosis were under care in Framingham. There are now 200. The studies of the demonstration have shown that 2.15 per cent of the inhabitants are tuberculous, of which number nearly half (46.5 per cent) have active cases and that a ratio exists of nine active cases to every death from tuberculosis. No less striking, though difficult of interpretation, have been the findings for race groups, where a high proportion of tuberculin reactions (51 per cent) among children of Italian parentage, combined with a case incidence of only .48 per hundred among Italians is sharply contrasted with a low proportion of reactions (30 per cent) in children of Irish stock and a case incidence of 4.85 per hundred for those of this race of all ages.

A very important contribution to the technique of discovering early cases has been the development of a medical consultation service under the skilful supervision of Dr. P. Challis Bartlett. Physicians are said to avail themselves freely of the opportunity of gaining highly specialized diagnostic training, and as a result the proportion of *advanced* cases detected is steadily declining. This consultation service plan has already been successfully used in the Cape Cod district of Massachusetts and elsewhere, and gives promise of being generally adopted.

If the effect which general conditions are believed to exert on tuberculosis be kept in mind, the general health activities will be appreciated as essential in the control of a scientific experiment. The health figures furnish some of the most complete community data ever obtained. Seventy-seven per cent of those examined were classified as subnormal, one-third from serious defects, and 64 per cent of all troubles was judged to be directly preventable, 22 partly, and but 14 per cent strictly non-preventable. Of particular interest, also, is the stimulation of various lines of public health work by these activities. The money spent in health administration, for instance, has risen from 39 cents to $2 per capita in the three years of the demonstration, one-half of which is directly obtained in the form of municipal appropriations and the other half through various active private agencies.

Intelligent and successful as the work at Framingham has been, it has not as yet solved the primary problem of the efficiency and practicability of present methods of tuberculosis control; because the period of three years has proved too short to permit of conclusive statistical results. The tuberculosis death rate has fallen from 93 per 100,000 in 1917 to 79 in 1918, and to a rate corresponding to 76 for the first five months of 1919; but the actual number of deaths in this brief period is so small that no reliable conclusions can be drawn. The appraisal committee of outside experts appointed by Surgeon-General Rupert Blue of the U. S. Public Health Service to investigate the work of the Framingham demonstration, after a careful consideration of the facts available, estimated that to warrant reasonably safe conclusions, one or another of the following combinations of tuberculosis death rates must be obtained:

A rate of 30 or less for any one year
A rate of 45 or less for any two years
A rate of 60 or less for any three years
A rate of 75 or less for any four years
A rate of 90 or less for all of five years.

With these figures in mind, the committee unanimously recommended a continuation of the experiment for five years more with an additional appropriation of $100,000 to permit of a definite answer to the question at issue. The recommendation has been accepted and the money granted, and the tuberculosis death rate of Framingham during the next five years should tell us whether tuberculosis can be effectively controlled by the methods now in use or whether new procedures must be devised in the light of further study of the etiology of the disease.

Charles C. Stockman, 2d.

What Kind of a War Memorial?—As early in the Great War as 1916, Lawrence Weaver published in London a volume on "Memorials and monuments," in the hope that it might help those preparing to commemorate and "lead them to the artist rather than to the trader." In the United States, while the Peace Conference was yet in session, various bodies and individuals began an agitation against unworthy memorials, in the effort to save us from "after-war horrors."

The New York Public Library has published in its *Bulletin* for August (and reprinted in a separate pamphlet) a list of references on war memorials, which appeared simultaneously in the *Architectural Record* for September. The articles and books here listed have been summarized in such a way that one gets a compact review of what has been printed on the subject within the last few years.

Quite naturally the enthusiastic pleader for this or the other form of memorial is in evidence, but there is likewise much discussion of general principles and much common sense in considering the effect of ill-planned schemes on future generations. The Civic Arts Association (England) remarks that "countless memorials will be in demand, and unless steps are taken to provide direction and advice . . . these will generally be of the usual trivial or commonplace type." "Expert services," says the American Institute of Architects, "are needed before any suitable memorial can take form." Other bodies, besides the two just quoted, have also been active in offering advice and help—the American Federation of Arts, the American Academy of Arts and Letters, and the Municipal Art Society of New York. The emphasis throughout has been primarily on the establishment and definition of general principles rather than on the recital of individual examples, but there are many specific suggestions. The triumphal arch, the elaborate monument, the equestrian statue are obvious, but sculpture is also applicable to the tablet (the importance of the inscription is pointed out by A. Clutton-Buck), the flag-pole base, the bas-relief door. The stained glass window has interesting possibilities. Architectural design may produce the exedra, the colonnade, the roster column, the rostrum, clock-towers, beacons, and shrines. In the domain of landscape gardening, there are fountains, sun-dials, gateways, terraces, playgrounds, village greens, gardens. Trees have a vigorous agitation for themselves on the part of the American Forestry Association. Parks suggest parts of city plans, municipal centers, avenues, boulevards. Among works of public utility, institutions with an educative, philanthropic, or other social purpose are libraries, schoolhouses, small local museums, hospital wings, etc.

The late *Bellman* informed its readers that: "A new idea has taken root. Most of the plans . . . have embodied the principle of beautiful utility. The thought of the American public has turned from the purely sculptural to that of architectural expression suited to various public uses." There is an active propaganda for community houses and recreation centers, crystallized in the work of the Bureau of Memorial Buildings of the War Camp Community Service. Harbor works, embankments, bridges, viaducts, roads, railway terminals are also among the possibilities noted.

Some writers, of course, oppose these utilitarian proposals, while others cannot see the appropriateness of the triumphal arch. Some wish to accentuate the military side of the matter; others, such as S. D. Adshead, plead for a monument which, "while arousing the best sort of patriotism, holds no sting." It is apparent that the needs and character of each community are to be considered and good taste and common sense applied.

Again and again we are warned to make haste slowly. Charles Moore thinks that "it may well be doubted whether the time has come to express the ideas and ideals of the Great War," and A. C. Benson admonishes his fellow-Britishers to "have a plan and a purpose, and not be in too great a hurry." It appears that the French have forbidden the erection of memorials for ten years. Perhaps we, too, need to learn the advantage of putting thought before action.

Frank Weitenkampf.

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Program of the Competition for the Plan of Greater Paris.—Paris is conducting a public competition, open to citizens of Allied countries or members of the League of Nations, for plans for the greater city. The occasion for this competition is the passage last March of the French city-planning law which requires Paris, in common with most cities and many smaller localities in France, to establish a city plan within three years.[1]

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[1] A summary of this bill was given in the October number of the Review (Page 535.)

The program of the competition announces that the planning scheme shall include, in accordance with the requirements of the new planning law:

> 1. A plan, fixing the direction, width and character of highways to be laid out or modified and the location, extent and plan of squares, public gardens, amusement grounds, parks and the various open spaces; and indicating the reserve lands, whether wooded or otherwise, and the sites of future public buildings, utilities and other services.
>
> 2. A program of the hygienic, archæological and æsthetic servitudes to be created, as well as the other conditions to which the scheme is to be subject, especially the open spaces to be reserved, the height of structures and the provisions for drinking water, sewers, the disposition of wastes and, if necessary, the sanitation of the soil.

It is a matter of discussion at present in France whether or not the provisions for the regulation of heights of structures, and for the reservation of open spaces, authorize height and area zoning, which, in France, has never as yet been attempted.

With the exception of the fortifications and districts around them which were to be kept open, the environs of Paris are all densely populated. By a law, long ago proposed and many times introduced, but not passed until last April, the fortifications around Paris are now abolished, and these districts made available for the much needed extension of the congested inner city. Under the new planning law, also, intercommunal and interdepartmental planning action and control are provided for in appropriate cases, and competitors are urged to include neighboring communes and parts of neighboring departments in so far as this is necessary to a complete "regional" plan. Existing laws and regulations are to be kept in mind; but changes may be suggested. Information is given with regard to proposed extensions of subways and other transit lines, increases in port and harbor facilities, and other public works, but here also, alterations, as well as additions and new enterprises, may be proposed. Especial attention is called to the need of more parks and other open spaces in Paris proper, the reconstruction of slums, and the increase and improvement in housing, a problem now "so pressing, so agonising, even, that only the believers in collective action seem to have the means of solving it."

Frank Backus Williams.

Paris Founds a Municipal Review.—As the organ of the "Institute of Urban History, Geography and Economics," founded by the Municipal Council of Paris late in 1916, the city has just issued the first number of a quarterly, entitled "La Vie Urbaine." The institute also includes a library, a bureau of bibliographical and documentary information, a school, laboratories for practical work, and expositions.

The first issue of the magazine is for the most part devoted to city planning, the point of view emphasized being the need, in reconstructing the cities devastated by the war, of planning not the city alone, but the entire region of which it forms part. Especially noteworthy is an article on the "Competition for the Replanning of Chauny and Its Region," by Leon Jaussely, chief architect of the French government, who was the general reporter of the jury of the competition for the restoration of Chauny. This competition is the first of this sort held in France since the war, and, indeed, in many years, general planning having been neglected in France ever since Haussmann's time. The fact that in this competition regional planning was insisted upon is of great significance for the future of city planning in France. Mr. Jaussely illustrates, in a variety of ways, the necessity of such planning not only in the Chauny region but universally. This number of the new *review* also contains, among other features, an exhaustive article, of great value to the student of the planning of Greater Paris, and, indeed, of any phase of its life and history, on "The Population of Paris in Movement, 1800–1961," with numerous and most detailed maps and tables, by Louis Bonnier, the well known inspector general of architecture and æsthetics of the prefecture of the Seine.

Frank Backus Williams.

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The Conflict of Tax Laws.—By Rowland Estcourt, University of California Press, Berkeley. Dr. Estcourt's brochure is a plea for harmony in the enactment of tax laws throughout the Union. He seems to look, as so many modern experts do, in the direction of further centralization. Old-fashioned people think that there is a certain advantage to be derived from the diversity of experiments in legislation inevitable where a number of independent commonwealths are experimenting with new theories of government. They believe that some states will surely hit upon methods of administration so obviously superior to others that their procedure will ultimately find universal adoption. Especially is this true in regard to economic legislation because, as the states are more or less consciously competing among themselves for population, that state which first devises the best living conditions for its inhabitants will inevitably outstrip the others in wealth and population. It cannot be said that this theory has been justified in actual experience. Few legislatures number economists in their membership. Some do invite economists to advise them, but as a rule they only adopt the advice when it coincides with their own preconceptions.

The advent of the income tax seems bound to create a situation which will *necessitate* co-ordination. On this subject Dr. Estcourt has many valuable suggestions to make which, if adopted, would doubtless simplify matters very much. He seems to lean to the soundness of the view that "ability to pay," or faculty, as it is called should be the criterion and standard of taxation. But this attitude is modified by his quoting with approval Francis A. Walker's definition: "Ability is determined not by actual income but by the capacity and the faculty of producing income, not by realized but by realizable income." This attitude seems to bring together two schools of thought hitherto deemed to be at loggerheads—the school which believes in taxation according to benefits received and the school which believes in taxation according to ability to pay, apparently another proof that parallel lines meet at infinity.

In his concluding chapter Dr. Estcourt seems to give the Bible as the source of the dictum, "From each according to his ability, to each according to his needs." Turning to his reference, Luke xii, 48, we find the following: "For unto whomsoever much is given, of him shall much be required: and to whom men have committed much, of him they will ask the more." Strictly construed this means that wherever government has by special grants conferred or *given* special privileges, much shall be required, but there is no suggestion that any legal obligation rests upon a man whose property is the product of his own energy and industry, and it does not at all justify the socialistic interpretation often given.

That those who are bountifully endowed with personal ability should help their less fortunate brethren is Christian and ethical, but in dealing with taxation we consider only what the government may properly require from and enforce upon its citizens as a matter of right.

This pamphlet will repay careful study. It is full of helpful suggestions for those who have to deal with practical tax questions; if it conduces to the establishment of a more orderly and harmonious system, the author may well congratulate himself upon the importance of his achievement.

J. J. M.

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Municipal Markets and the High Cost of Living.—During 1918, according to recent census figures, 128 cities of 30,000 population or more maintained 237 municipal markets, of which 174 did a retail business only, 14 wholesale only, and 49 both retail and wholesale. While some of these markets have existed in the United States since 1658 or 1659, 107, or 45 per cent, have been established subsequent to January, 1914. It is known in a general way that these markets have very definite advantages, but so far as we are aware no comprehensive survey has been made to determine just how far they are effective, or might be made effective, in reducing the price of food. The report of the census bureau contains a great deal of data on the number, character, equipment, and operation of municipal markets, but does not compare prices.

A more recent experiment akin to municipal marketing, but one which from its nature can be only temporary, is the sale of surplus army supplies. Here the advantage of price, because prices have been deliberately set by the federal government at less than cost, is more apparent. Large quantities of frozen meats, canned meats and vegetables, bacon, blankets, clothing, and household articles have been placed on sale by the war department. Various distributing agencies have been utilized, municipal officials, privately established stores, curb markets, stores and markets temporarily set up in armories, and postal agencies being among the vehicles employed to make contacts with consumers. These sales have attracted wide attention and in most cases have resulted in promptly disposing of local allotments of supplies. The advantage of price in these sales, however, has in the main reached only to purchasers who participated in the sales; the quantities of food and other supplies offered have been too small in comparison with the regular consumption of the country to have any general effect on market prices. Moreover, considerable criticism has been directed against the war department's sometimes inflexible and sometimes vacillating regulations governing the sale of surplus army supplies, and against the fact that a considerable part of these supplies fell into the hands of food speculators through the government's earlier attempt to conduct sales on the bid principle.

Another muncipal market experiment is the recently established "cafeteria" community store operated in Philadelphia by the mayor's market commission. The provisions are placed accessibly in the store, so that each customer can select for himself the provisions he wishes to buy, and pay for the goods as he leaves. This, it is claimed, reduces materially the overhead costs. At first the store will sell only smoked meats obtained from packers in the city. These meats will be sold at wholesale prices and in any quantities. If the sale of meats proves a success, packers of canned goods will be asked to furnish their products and other stores will be operated in the thickly populated parts of the city.

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"Six Months of Americanization in Delaware," the second bulletin of the Service Citizens of Delaware, September, 1919, is an account of "a compound of national self-preservation and simple human friendliness," to quote from the preface. The work was an effort "to establish vital contacts and neighborly relationships with the non-English speaking people of the community." The editor tells us that "Americanization is not a fad of philanthropy, a spasm of uplift, or even a demonstration in civics or education"; but one wonders why he should tell us this. The purpose of civics, if it has a purpose, is to establish just the sort of relations the quotation says has been the goal in Delaware. This is so true that the subject is often tautologically referred to as "Community" civics.

Among the chapters of the pamphlet the words "education," and "school" seem to play too large a part for the editor to disavow an educational aim in his work. But why coin these new catch words? "Americanization" either means nothing or else so much that it is of no value. "Reconstruction" has been bandied about until it has lost all definiteness or usefulness. We are in grievous need of sound education, and education particularly in the field of the principles of political organization. Why need we camouflage and disguise and conceal the real ends we have in view? It is just as important to educate some millions of our English speaking fellow citizens as to teach some of our other fellow citizens to speak English. A man who thinks clearly, lives soberly, and acts honorably without speaking English is a far better American than one who uses English with the greatest fluency but lacks the ideals of democracy and honesty on which the American republic rests.

EDGAR DAWSON.

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The Fundamentals of Citizenship is the title of a brochure, published as a reconstruction pamphlet of the National Catholic War Council. It was prepared under the auspices of John A. Lapp, formerly one of the assistant editors of the NATIONAL MUNICIPAL REVIEW. It deals in an attractive and illuminating way with the questions of American democracy, peoples' rights, education, making laws, the courts and their work, taxation, and the citizen's part. It contains an abundance of simple information attractively stated.

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Town and City Beautification.—That educational institutions maintained by states should in these days think it worth while to promote what is called "town and city beautification" is significant of a changed attitude toward the amenities of life. A little pamphlet, issued by the Extension Division of the University of Indiana, states the principles of improvement work and backs them up by a carefully prepared series of lantern-slides which are made available through the organization to citizens of Indiana.

In commending this whole proposition it seems desirable to quote a definition on page 11 as follows: "City beautification in its broadest sense includes any action that makes a city more livable."

Many of us have become rather averse to having anything to do with the so-called "city beautiful movement," but upon the basis of this statement it is surely and entirely commendable.

J. HORACE MCFARLAND.

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Effective Civil Service Reform Propaganda is the aim and happy accomplishment of a series of four small pamphlets issued by the National Civil Service Reform League. The series, bearing the title, "Hints for Business Men," is worthy of note because of the clever advantage taken of the argument by *reductio ad absurdum*.

Thus the first pamphlet, "How to Apply the Spoils System," lays down a few simple rules for adapting political methods to business, while the second, "How to Increase Labor Turnover," draws the parallel further. The third, in which "the series begins to get serious," deals with the subject, "A Trained Army with Untrained Officers," and shows by comparison with the United States regular army the necessity of trained officers for our army of government employes. The fourth pamphlet, "Efficient Democracy Will Make the World Safe," continuing the use of the war as a text, gains force for the seriousness of its argument by the telling hits that have preceded it. These pamphlets may well be studied by all propagandists. The tendency in propaganda is to be all too serious and dry, to the neglect of many of the strongest weapons in logic and rhetoric. Here is a refreshing and illuminating contrast.

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One Hundred Reasons Why One Hundred Cities have changed from private to municipal ownership of their public utilities is the title of a pamphlet issued by Burns & McDonnell, consulting engineers, of Kansas City. It contains 100 paragraphs of fact and opinion favorable to municipal ownership. The statements of opinion are of value so far as they reflect conclusions based on 20 years' experience in appraising over 100 public utilities that have changed ownership. The general statements of fact relating to the results of municipal ownership in particular cities are convenient for the student as starting points for investigation and study.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Progress of City-Manager Plan in 1919.—January 1, 1920, finds the city-manager plan of municipal government more firmly entrenched in the front line of civic progress than its most ardent advocates would have dared to prophesy seven years ago, when Dayton and Springfield, Ohio, the first sizeable commission-manager cities, "dug in" for the advance movement in conducting city business affairs. At the close of 1919, the number of towns and cities in this country reported by the city-managers' association, as operating under, or pledged to, the manager plan, is placed at 165, with two more across the border in Canada. Of this number, 105 are credited with having approved manager charters; 10 more have manager charters with some standard feature lacking and the other 50 have created the position of manager by act of the local council.

The past year has logically lead its predecessors in gains made by the movement. The gain in public confidence and approval is reflected by the numerical increase of city-manager municipalities. Available figures indicate that 35 new cities were added to the list during the twelve months—23 by charter elections, and 12 by action of local governing bodies. The former group comprises: Salinas, California; Sanford, Tallahassee and West Palm Beach, Florida; Rome, Georgia; Hays and McCracken, Kansas; Alma, Lapeer and Muskegon, Michigan; Auburn, New York; Gastonia, North Carolina; Akron and Painsville, Ohio; McAlester and Walters, Oklahoma; Alcoa, Tennessee; Electra and Lufkin, Texas; Bristol, Lynchburg, Newport News and Suffolk, Virginia.

The 12 towns creating the position of manager by ordinance are: Anaheim and Pittsburg, California; West Hartford, Connecticut; Anamosa, Estherville and Villisca, Iowa; Alliance, Nebraska; Clovis, New Mexico; Kinston, North Carolina; Coshocton, Ohio; Mifflinburg, Pennsylvania, and Woodstock, New Brunswick, Canada.

Frequently cities adopt the manager plan to become effective at some future date. It is accordingly to be noted that during 1919 the plan became effective in but 29 new cities, while 12 more will appoint their first managers in 1920, under charters already adopted. Terrell, Texas, voted in favor of a commission-manager charter in 1913, but did not appoint a manager until the fall of 1919. Watertown, New York, places its first manager in office January, 1920, over four years after "Plan C"—the New York alias for commission-manager government—was adopted by Watertown voters.

Watertown furnishes an excellent example of the voters' slipping out from under party control. "Plan C" provides for partisan elections, yet Watertown, exasperated by the delays credited to the leaders of the dominant political party at the November election, chose a non-partisan mayor and commission by a most decisive majority. Furthermore, a strong effort will be made to secure legislation requiring non-partisan elections in the future. At Auburn, New York, on the other hand, at an election held the same day for the first commission under the manager plan, one party "ousted" the other, according to the newspapers, which prophesy the appointment of a local man as manager and intimate that the position will become a political plum. This seems to be the case at Newburgh, where the manager frankly admits his position is "political" and fears it will be forfeited if the "wrong" party wins the coming election.

Many other elections this past year have offered unique features. Some cities boasted that their new charters had carried 2 to 1. Then Lapeer, Michigan, made it 3 to 1, and Muskegon, Michigan, and Suffolk, Virginia, went ahead, with 4 to 1. The little town of McCracken, Kansas, established a record by giving its charter a vote of 22 to 1—there being but 4 negative votes out of the 12 cast. This record lasted only a few weeks, for Gastonia, North Carolina, with a population of some 20,000, voted in the manager plan with but *three* opposing ballots. The opinion was so unanimous that only a small vote was cast, yet the ratio went to *54* to *1*, a hard figure to beat.

The "boom" towns of the Texas oil fields are quick to accept the principles of the manager plan. Among those that have grown from villages to cities "over night" under the new form are Eastland, Electra and Ranger, with Wichita Falls a probable addition. The tendency toward larger commissions is noted in some recent charters and in the amendment of the Albuquerque, New Mexico, charter increasing the number of members from three to five.

Proportional representation has been endorsed by a second successful election at Kalamazoo, and by inclusion in the report of the "committee of fifteen" which unanimously recommended the adoption of commission-manager government with "P. R." for Cleveland, Ohio. A sort of "tacit" endorsement is also to be found in the pre-election agreement at Albuquerque, whereby the business and labor elements mutually agreed to support one candidate from each faction, thus splitting the two new positions to the apparent satisfaction of the voters.

Figures are not available for a comparison between the recent growth of commission, as opposed to commission-manager, government. It is significant that McAlester, Oklahoma, is an addition to the list of the cities changing from the old commission plan to the manager type. The November election at Altoona, Pennsylvania, may also be construed as an endorsement both of the manager plan over the commission and of non-partisan municipal elections. By state law, Pennsylvania cities of Altoona's class have commissions. These commissions are empowered to appoint managers. Altoona has given both plans a fair trial and re-elected its last commission, which had established the manager plan. In spite of the compulsory return of these Pennsylvania cities to partisan elections, the two parties endorsed the incumbents, regardless of their political affiliations.

As to the city managers, the "mortality rate" continues fairly high. The three contributing reasons seem to be: the rapidity of promotion to larger cities, the eagerness with which business corporations tempt successful managers into private enterprises, and the ease with which misfit managers may be released. There have been 25 cases of "promotion" so far, and more are certain to follow soon.

The sixth annual meeting of the city-managers' association was held at Indianapolis in October. The attendance was five times as large as at the first meeting, held in 1914 at Springfield, Ohio. It is significant also, that the associate membership, made up largely of young men planning to enter the new field, has in a single year almost equalled the active membership in numbers. Nine of these associate members have been appointed city managers during the year.

Success is always a comparative term. Even the continuance or discontinuance of a plan is quite inadequate as a criterion of its success.

We may, however, study figures with a certain satisfaction, in drawing our own conclusions. To those who have advocated only the "simon-pure" type of commission-manager government by popularly adopted charter, it is gratifying to recall that of the more than 100 cities venturing into the new field on this basis, not a single one has reverted to the old plan. On the other hand, of those that have tried half-way measures, by appointing managers under provision of local ordinance only, fully one-third have discontinued the experiment.

To the unbiased observer, however, these latter experiments have been quite worth while. A few of them have been such pronounced successes as to furnish substantial endorsement to the manager principle and the failures have served to re-enforce Colonel Waite's dictum: "No city will be better governed than its citizens deserve and desire."

*

Toledo Car Service Interrupted by Ouster Ordinance.—Toledo awoke on Sunday, November 9, to find that during the night the traction company had run all its cars out of the city, and that the residents were without street car service. This action, resulting from the ouster law[1] submitted to the voters by referendum and approved by a majority of 811 votes at the November election, took both the city officials and the public by surprise. The officials of the company issued a statement explaining that the ouster ordinance was self-enforcing, and that unless they ceased operations they would be guilty of trespassing on the city streets and liable to face damage suits in which they could offer no defense.

City officials, on the other hand, pointed out that the company had in fact occupied the position of trespasser ever since its franchise expired in 1914, and that it had, indeed, been assured that no arbitrary steps would be taken by the city to enforce the ouster. The statement charged the company with attempting to bulldoze the city into accepting a franchise which was drafted entirely in the company's favor.

The deadlock continued until, on December 3, the city council voted to amend the ouster ordinance by suspension until April 1, 1920. This action was based upon a statement from the federal court that the cars could not be ordered back until action had been taken by council. Service was resumed by the traction company on December 5, the rate of fare effective when the service was interrupted—six cents, with a two-cent transfer—being again put in force.

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[1] NATIONAL MUNICIPAL REVIEW, vol. viii, p. 546

In explaining his advocacy of the amendment to the ouster, Mayor Schreiber declared that the sole purpose of the ouster ordinance had been not to deprive the city of street car service, but to enable the city to get the best possible terms in making a permanent settlement with the company. He pointed out that between the time of the passage of the ouster ordinance and the November election at which it was approved, a state law had gone into effect prohibiting cities from ordering a public utility to cease operation until application had been made to the public utilities commission and likewise prohibiting a public utility from ceasing operation without having made a similar application.

By the terms of a resolution also adopted at the meeting, council voted to accept the offer of the federal court to appoint a commission to assist in the drafting of a franchise ordinance and a municipal ordinance for submission to the people. It is planned to appoint a commission of citizens, half of whom favor city ownership and the others a franchise. In speaking in favor of this resolution, Mayor Schreiber called upon all citizens to forget class prejudice and get together in an effort to settle the street car problem sanely and wisely.

*

The Lawrence Plan of Teaching Principals of Government.—What is coming to be known as the "Lawrence plan" is in effect to take an ordinary city school with its regular staff of teachers, and its children drawn from all classes of the community, and systematically infuse both teachers and pupils with the ideas of obligation to the government of the land, and of service in maintaining that government and making it work for the public welfare. The purpose has been not to confine the work to courses in civil government, but to instill the principles of patriotism, good citizenship, of Americanism in its true form, into all the teaching of the school; to make the privileges and duties of membership in the American republic one of the principal subjects of thought and study at every stage.

The Lawrence plan was inaugurated about the first of this year, and was continued until the end of the school year in June, 1919. It was carried on by the board of directors, consisting of Bernard M. Sheridan, superintendent of the Lawrence schools, chairman; John J. Mahoney, head of the Massachusetts Normal school at Lowell; Professors Hart and Hanus of Harvard; and Professor E. D. Adams, of Leland Stanford University of California, who first suggested the plan.

In order to carry out this method two expert teachers detached from the Lowell Normal school have undertaken to arouse the teachers, making them understand the significance of the American principles of self-government. At the same time they have been grounded in the best way of rousing and keeping up the attention of the pupils in this subject. Americanism is taught in lessons in arithmetic, mother tongue, science, as well as in history and politics. The teachers endeavor to make the children understand how dependent they are for happiness and even life on a good government, in which they are members and have duties. The pupils are further trained in the practice of teaching each other by taking in turn the task of questioning their fellows. This gives rise to debates and discussions in which the teacher stands as a sort of arbiter and guide.

Those who are responsible for this work all believe that they have succeeded in inspiring in the children as a body an appreciation of good government; a knowledge of the things that count in the organization of governments; a sense of the uses and purposes of government; and, above all, a genuine sense of their own duty and responsibility for carrying on government in a republic.

*

Program of the National American Woman Suffrage Association.—The necessity of special education for the business of being a voter is emphasized in the program adopted by the National American Woman Suffrage Association. The program is summarized in ten paragraphs as follows:

1. Compulsory education in every state for all children between six and sixteen, nine months of each year.

2. Education of adults by extension classes of the public schools.

3. English made the national language by making it compulsory in all public and private schools where courses in general education are conducted.

4. Higher qualification for citizenship and more sympathetic and impressive ceremonials for naturalization.

5. Direct citizenship for women, not citizenship through marriage, as a qualification for the vote.

6. Naturalization for married women made possible.

7. Compulsory publication in foreign language newspapers of lessons in citizenship.

8. Schools of citizenship in conjunction with the public schools, a certificate from such schools to be a qualification for naturalization and for the vote.

9. An oath of allegiance to the United States for every citizen, native or foreign born, to be one qualification for the vote.

10. An educational qualification for the vote in all states after a definite date to be determined.

A committee on American citizenship, of which Mrs. Frederick P. Bagley is chairman, is directing the specific working out of this program.

◆

Texas Bureau of Government Research is Organized.—To further improve instruction in the school of government at the University of Texas, and to develop the facilities now formed for advanced instruction in research, a bureau of government research has been established, with Frank M. Stewart in charge of the staff, and is conducting the work begun by the bureau of municipal research and reference. In addition, research work is being undertaken along other lines.

The primary purpose of the bureau will be to serve as a laboratory and reference bureau for the students in the school. The facilities for the bureau will, in addition, be rendered available whenever possible to public officials, to interested citizens, and to anyone who may call upon the university for government information. The primary aim of the bureau will be to furnish reliable information on government affairs, prepared on a non-partisan basis, and with a view of bringing to public attention such information as will aid in the process of government administration. The efforts of the bureau will be directed along a comparatively narrow line in which scientific information can be collected and classified.

Digests and bulletins are in preparation on important subjects in state, county, and municipal government. Bulletins which will soon be ready for distribution are: "Public Service Rates in Texas Cities, 1919, Revised Edition," "Offices, Boards, and Commissions of Texas, 1919, Revised Edition," and "The Movement for Reorganization in State Government." Other bulletins are in preparation, and will be completed during the year. The bureau of government research will continue as headquarters of the league of texas municipalities, and will publish, bi-monthly, an official magazine of that organization now issued under the title *Texas Municipalities*.

◆

Training of Health Officers in Pennsylvania.—The Pennsylvania state department of health is developing a method of training local health officers, who frequently lack experience in solving important sanitary and hygienic problems. This training is of a practical nature, consisting largely of local inspections by state representatives in collaboration with the local officials, followed by advice in determining the most adequate measures for correcting insanitary conditions. The state department also is ready to pass on local plans for the extension of existing or construction of new public waterworks or sewage systems. For the guidance of local boards the department is preparing a series of model health ordinances covering nuisances, housing, milk supply, smoke abatement, plumbing, inspection of public eating and drinking places, fly eradication, and the like. Pamphlets are in course of construction explaining methods of abating nuisances of certain classes, improvements of water supply, and proper methods of sewage disposal in rural districts.

◆

State and County Bond Issues for Highways.—Of the unprecedented state and county bond issues for public improvements, to which we have already called attention, by far the largest items are bonds for highway construction. Issues authorized for this purpose since January 1, 1919, together with a very few prior issues under which little or no expenditure has yet been made, are estimated to amount to $493,000,000. Proposed issues yet to be authorized are expected to bring the total to $772,000,000.

II. POLITICS

Governor Suspends Mayor of Canton—Governor Cox, of Ohio, recently suspended from office for thirty days Mayor Charles E. Poorman, of Canton, for alleged inefficiency in handling the steel strike riots. The governor urged a committee of Canton business men to stand by Vice-Mayor Schrantz in maintaining order and protecting property. The governor assured a delegation of Canton business and professional men, who came to hear the sentence of suspension, that Canton would be protected against disorder, but that the citizens must take a stand for law and order and exhaust their resources before he will act. The delegation wanted troops, but the governor demanded an attempt by Canton itself to restore order. The examination before the governor disclosed that only twenty-five rioters had been arrested; that the city had a very small police force; that citizens had made no attempt to enforce order; that the sheriff deputized no aids, and that municipal court judges dismissed rioters with light fines and suspended prison sentences. The suspension was subsequently made permanent by the governor.

*

Cleveland Informed on Municipal Candidates.—The October issue of *Civic Affairs*, published by the Civic League of Cleveland, followed a policy which similar organizations in other cities might with advantage use more generally. The names of all municipal candidates to be voted on in November were catalogued with data covering their occupations, civic and political experience, and qualifications for public office. The league's first and second, and sometimes third, choices were indicated for each office, these recommendations being made purely on a non-partisan basis of fitness.

III. JUDICIAL DECISIONS

Gas Service.—In the case of the *Miami Gas Co.* v. *Highleyman*,[1] the Florida supreme court held that where gas is furnished to consumers pursuant to a contract made by a gas company with a municipality, the company may be enjoined from discontinuing the service if rates in excess of the contract rates are not paid. The court said that if changed conditions caused the contract rate to be unremunerative to the gas company the courts may not for that reason decline to enforce the rights of consumers under the contract.

*

Zoning.—The city council of Norman, Oklahoma, passed an ordinance prohibiting certain business from being carried on within 150 feet of a church, school, or hospital. One Walcher, believing the ordinance to be void, started to operate a laundry within ten feet of the church. The church sought an injunction and obtained it in the lower court. The supreme court of Oklahoma in the case of *Walcher* v. *First Presbyterian Church*[2] sustained the lower court, holding the ordinance to be of a regulatory nature, not unreasonable, and entirely within the police and sanitary power of the city to enact and enforce, and not in violation of article 14 of the federal constitution. The court recognized of course that a laundry is not a nuisance per se.

*

Cincinnati Ballot Case.—The Ohio Supreme Court unanimously dismissed the mandamus suits of Eli G. Frankenstein, candidate for mayor of Cincinnati, and his associates who wished places on the city ticket as candidates for other positions. The court sustained the city charter which provided that the mayor elected in November, 1917, should serve a term of four years. Frankenstein and his associates contended that the statutes which fixed the term of two years for all officers still governed, and that the new charter provisions were null and void. The court did not agree with these contentions.

*

Home Rule.—In the case of *Hirshfield* v. *Cook*[3] the appellate division of the supreme court decided that the commissioner of accounts of New York City has no right to inquire into the accounts of the board of education which is supported out of city taxation. The court held that chapter 786 of the laws of 1917 changed the character of the board of education so as to deprive it of its character as a city department and operated to transfer all its powers to new boards of education, forming part of the state educational department. New York City therefore can pay its money but cannot inquire into how it is being spent. This case is a splendid illustration of legislative interference with the rights of a supposedly self-governing community.

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[1] 81 So. 775.

[2] 184 Pac. 106.

[3] 177 N. Y. S. 363.

*

Bond Issue.—Where in 1908 it was decided by popular vote that the city council should have authority to issue bonds for a hospital, the supreme court of Alabama, in the case of *Stokes* v. *City of Montgomery*,[1] held that there was nothing to prevent the issuance of the bonds in 1919 and the establishment of the hospital, even though the form of government had been changed in 1911 to that of a commission of three members. The court held that the mere lapse of time, if no other objection were shown, would not defeat the authorization given in 1908.

*

Privy Vaults.—An ordinance requiring privy vaults in every house and building, however used or occupied, and requiring compliance therewith within fifteen days after date of notice from the commissioner of health, or within such further time as he may allow, permits an arbitrary discrimination by him both as to class of buildings and as to time and was therefore held inoperative and void by the Florida supreme court in *Ellis* v. *Thiesen*.[2] The court followed the doctrine of *Yick Wo* v. *Hopkins*.[3]

*

Fire Prevention.—An inebriates' home was found guilty, in the municipal court, of not being equipped with automatic sprinklers. Section 18 of the city ordinance required this and also that the plans be submitted to and approved by the chief of the bureau of fire prevention. The supreme court of Illinois in the case of *The City of Chicago* v. *Washingtonian Home*[4] held that this section of the ordinance was not invalid as delegating to the public officer in question the power to legislate.

Robert E. Tracy.

IV. MISCELLANEOUS

Community Kitchen Cuts Living Cost.—The servant problem and the high cost of living have become so acute in Grandview, a suburb of Columbus, Ohio, that the women of the community have initiated steps to relieve the situation, and have incorporated the Grandview Community Kitchen company. Under the management of a dietitian, the community kitchen not only will serve meals at cost, but will provide home delivery service of prepared meals.

Menus are prepared a week in advance and furnished to regular patrons. From these the housewife arranges her own daily menu and the prepared food, in any quantity desired, is delivered at the kitchen door in large thermos containers. By buying direct from the wholesaler and securing roasts at 19 cents a pound when retailers charge 40 and 45 cents, and vegetables at similar reductions, the women claim prepared meals can be provided at a material saving. They also plan to buy fruits and vegetables in carload lots for distribution in Grandview.

The community kitchen is the first of its kind to be established in Ohio. Meals at cost are served in the dining room, with special meals for school children at noon. The kitchen is aimed at service and at reduction of the high cost of living and the high cost of cooks, rather than at financial gain. Plans already are being made to pattern the idea in Columbus and other Ohio cities, the movement promising to become popular with women's clubs throughout the entire state.

*

Scope and Function of a City Show.—The primary purpose of a municipal exhibit is to visualize to the people the varied activities of the municipality in its efforts to serve the people, so that all may have a better conception of the scope and function of the city's work. Few people in a city come in contact with all the city's activities; consequently the average citizen knows little or nothing about what the city is doing, except in a few departments, and that usually in a most casual sort of way. This leads him to think of his city government chiefly as a spender of his tax money, rather than as a coöperative enterprise for human service and the making of men and women. A municipal exhibit, carefully planned, can bring before the people in a short space of time and in a concrete way the city's activities as a whole, thus producing a mass effect, and developing the civic consciousness so generally lacking in America.

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[1] 82 So. 663.

[2] 82 So. 607.

[3] 118 U. S. 356.

[4] 124 N. E. 416.

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The Assessment of Real Estate

By LAWSON PURDY

President, National Municipal League; General Director, Charity Organization Society of New York; for eleven years President, Dep't of Taxes and Assessments, City of New York.

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VIEWS AND REVIEWS

I

Our committee on nominations was more adventurous this year than usual and has brought to our colors the important leadership of Charles E. Hughes as our President.

Of all the men conspicuous in American public life, Mr. Hughes is the one best prepared to co-operate in our enterprizes by an accumulation of matured convictions based on experience as governor of our most populous state. When we deal with problems of state re-organization, state finance, election laws, short ballot, legislative rules, utility control and many other questions relating to forms of government, we deal with questions wherein he was a pioneer among all governors. As governor his incessant rejection of expediency and compromise in favor of principle was an inspiration; his tactics of "defeat me on this issue if you dare" were new to politics. His has been a name to conjure with in New York ever since and even the Democrats were competing for the honor of installing his defeated reforms years after he left Albany. When accepting our nomination, he told Mr. Purdy that he plans to devote more of his time hereafter to public matters. Ours is the logical outlet for his energy and the problem will be to make our programs worthy of his valuable time.

In inviting Mr. Vanderlip to accept our treasurership, we were again taking advantage of an announced determination to retire from active business to spend more time on civics. We told him of the far-reaching development of small-city chambers of commerce with modern local civic programs and of our need for evidence that our work is not for specialists only but deserves the attention of public-minded business men.

Our secretaryship remains vacant, but through no lack of diligence in the nominating committee. Mr. Woodruff, now and forever our honorary secretary, happily has consented to fill the gap.

In the new council the feature is a larger number of business men and of women.

II

Our annual meeting at Cleveland was in its attendance typical of these meetings in late years and as baffling as usual to the management. The attendance was mainly professional civic directors, coming because this is the annual outing of their fraternity and the only opportunity to meet their fellows. When they had speeches to emit they entered the convention room; otherwise their preference was for the personal informalities of the always-interesting lobby and for the cozy heart-to-heart talks at the professional problem meetings organized by the civic secretaries' association and the governmental research conference. It was not always easy to muster a decent quorum to listen to a formal discussion of great current public problems. It sometimes seemed as if Mr. McClintock of Pittsburgh, who has never an axe to grind or a word to say on the floor, were the only one who had come to be instructed rather than to instruct! The others in the audience inattentively awaited their turn at the platform; Mr. McClintock and the stenotypist got it all!

Mr. Woodruff observed that in the early days of the League, non-professional good citizens made up our whole attendance. Of course in those days the civic professional hardly existed anyway, but why should the layman have retired as the professional appeared? Did they proceed to save themselves the journey as soon as they had professionals to send? Is the layman in the local organizations now doing his work there more by proxy too? Is civics getting too technical for the layman? Are we to look forward to a membership made up exclusively of paid civic secretaries, bureau directors, college professors and reference libraries? With the cramped finances that such a limited backing suggests? Or can we translate civics into terms that will catch and hold the attention of the rank-and-file membership of the city clubs and civic leagues and chambers of commerce and thus exert a large direct influence upon a big lay membership?

III

The moot constitutional convention at Cleveland was by general agreement a success—that is, it was found to be interesting, it held the attendance for inhumanly long hours and brought out some excellent and authoritative debating. Unfortunately two of the sharpest conflicts of opinion, those on civil service and budget, were not carried to the floor but were settled in committee, the minority refraining from an appeal to the convention. There were numerous novelties that secured prompt and unanimous support—the single-house legislature, for example—and in other cases there were equally unexpected splits. The committee that is now to draft a complete model state constitution for submission next year starts with many illuminating test votes.

IV

The ascent of the hill of progress has such a moderate grade that it is not until we look back that we realize how much we have risen. Such sensations are particularly striking in the "Valedictory" which Mr. Woodruff has written for this issue. Nothing could have seemed much more forlorn than the prospects of that little organization which Mr. Woodruff held together by his youthful devotion and personal willingness to do the drudgery without salary for an indefinite period, twenty-five years ago. The whole story of municipal progress in America is compassed in that quarter-century from its beginning in 1894 before the first victory over Tammany in New York city had lighted the torch of hope for reform in municipal affairs in America to the present when the League turns its attention to state and county government because its work in the municipal field is so nearly done.

Mr. Woodruff's main contribution to the movement was the League but it is not necessary to demonstrate that Mr. Woodruff did this or that in the long upward effort; no man could have occupied so central and busy a position in the work for twenty-five years without contributing vastly to the result!

Richard S. Childs

A VALEDICTORY

BY CLINTON ROGERS WOODRUFF

Philadelphia

Twenty-five years have witnessed many changes in the field of government, the great majority of them, I am persuaded, for the better. For one thing government as such, in its various phases, is no longer ignored. Constructive minds are engaged in its study and improvement. This is a great gain. When the National Municipal League was organized in 1894, government was about the last thing to claim the attention even of the most conscientious citizen. To-day it is receiving the definite, unremitting consideration of a lengthening list of civic bodies; of business men, in their individual and organized capacity; of institutions of learning; of students and investigators. It is quite within the mark to declare that government—federal, state and municipal—is coming into its own.

Twenty-five years ago systematic instruction in government was incidental and infrequent. Instruction in municipal government was unknown. Eighteen years ago when the present professor of municipal government at Harvard began his work there were only two courses given—one at Columbia, the other at the University of Michigan. There was not a single text-book suitable for use. There were no sources of information such as are now provided by the bureau of the census; the municipal reference libraries; the bureaus of municipal research and similar bodies or by the National Municipal Review or the *American City*.

Contrast that situation with the one that exists to-day. The amount of instruction has steadily increased and its character has steadily improved so that it is now possible to say that "from the point of view of getting text-books and materials municipal government is the easiest subject in the whole range of political science." Sources of information have multiplied so rapidly that it is a difficult problem even for the specialist to keep abreast of their output. The list of publications, books, pamphlets, periodicals, is a continually lengthening one. To-day no other one subject is receiving more thoughtful attention at the hands of teachers and publicists. This is especially true of the municipal phases.

These developments clearly indicate that the work of the National Municipal League has not been in vain. In season and out it has stressed the necessity alike for interest in and attention to municipal affairs and latterly it has extended this emphasis to include state and county affairs, which may now be said to be coming into their own, to their manifest advantage and improvement.

"Municipal affairs" is a phrase which to-day includes a multitude of things that a generation ago were not discussed even academically. One has only to study the budget of the present-day city to appreciate how manifold those affairs have become. Not only numerically but intrinsically they have grown in importance and this constitutes an important feature of the present public interest in them. If one wishes to gain a still different and fuller conception let him take up the annual volumes of the Proceedings of the National Municipal League and study their contents. They are something more than a storehouse of current municipal events; something more than a record of significant happenings. They represent the growth of a great movement in modern life; the development and flowering of an effort that has gone far to remove the odium that once rested on American cities and to establish them on a basis where, it can be said, there has been "a growth of public opinion toward rightness." More, too, can be said. There has been a steady growth toward responsible, efficient, democratic government.

Let no man be misled by these statements. The millennium is not here, nor is it likely to be ushered in during the lifetime of even the youngest among us. Progress, not finality, is all that can be reported. It is all that can be reasonably expected of any human endeavor. Within the generation in which the National Municipal League has been at work municipal government in the United States has been changed from a source of shame to one of pride. Graft has become the exception, instead of the constant characteristic. Indifference and inefficiency are yielding to interest and efficiency.

Many have been the experiments tried within this period. Some have failed, others have succeeded. The significant thing is that they have been tried and are being tried. Scientific opinion is still divided as to the direct primary; the initiative; the referendum; the recall; preferential voting; proportional representation; commission government, the commission or city manager form. They are, however, being tried out conscientiously and those most deeply believing in them are seeking to improve the machinery of their application and to meet and overcome their defects as they are disclosed.

While public opinion may likewise be divided as to their wisdom; there is no gainsaying that they are put forward in a conscientious endeavor to improve the machinery of government; to make it more responsible and responsive to the people and their will and to wed efficiency to democracy.

Home rule for cities, once a far cry in the wilderness, is to-day the guaranteed constitutional right of the cities of one quarter of our states and bids fair to become the policy of many more in the near future. It is difficult to appreciate what this means to the future of municipal government in this country and to our states as well. It is truly a mighty factor, at one and the same time for municipal government and for an efficient administration of state affairs. Along with the direct election of the United States senators it has helped to realize the demand that for really efficient democratic city government the latter must be divorced from state and national politics. It has also helped to make people think of city affairs in municipal terms to a degree little dreamed of when the Philadelphia conference for good city government met in 1894. Then the chief interest in city affairs was almost wholly critical. There was little or no substantive or constructive study or suggestion. The chief actors in volunteer municipal work were keen critics and ofttimes the most successful reformers were those who most vigorously cried "turn the rascals out." Such attention stimulated interest for a time; but the reaction was great. Usually one group of rascals succeeded another and there was nothing but a change of personnel to be noted.

Unfortunately the improvement in the personnel of our city officials has not kept pace with improvements in other directions, although substantial changes for the better are everywhere to be noted. There will be no lasting improvement in this connection until the short ballot becomes an established fact. This change will come less quickly than others because of the "vested interests" of the great political organizations, which will yield with the greatest reluctance and only in the last trench. For the short ballot means the substitution of citizen management for party organization. Whether the latter will ever cease to be necessary is a question upon which there is a sharp difference of opinion. There is no doubt, however, that party ties, particularly in local contests, rest far more lightly than they did a generation ago.

The city-manager movement may be justly regarded as the ripest fruit of the movement for better municipal government. It embodies the short ballot; responsiveness to public opinion; concentration of executive power and responsibility; expert administration of city affairs; the elimination of legislative control over administration; all essential principles of sound governmental practice. The success of the plan has been abundantly proved, although here and there expectations, because unreasonable, have not been met. It can be deliberately said that the city-manager plan has arrived. Like other governmental agencies it is open to change and improvement; but to-day it stands as the big contribution to political science of the past quarter of a century. Moreover, its expanding application to a lengthening list of cities is developing municipal policies as perhaps no other single factor. It is helping to convert theories and dreams into facts. City planning, zoning, budget making, the preparation of adequate and carefully devised plans for transportation, intelligent housing, all have felt an impetus due to the increase in the number of experts in municipal affairs. Each in itself a highly specialized subject, it naturally expands when encouraged by those who make municipal administration their specialty.

At Philadelphia it was said, "As go our cities, so will our states and the nation go." If the latter are to be saved, we must first save the former. As a natural corollary, it follows that as the interest in municipal affairs develops and expands it must include the county and the state and eventually the nation. The National Municipal League has already begun to travel along that road. Committees on state and county government are at work and we may soon expect to see a model county charter and a model state constitution take their place along side of the League's model city charter, already widely recognized as one of its most substantial contributions to the cause to which it has devoted its energy.

To have been associated with this movement from its conception; to have been present at its birth; to have shared in its growth, is a heritage of which one may well be proud. As I stand here to-day to utter my valedictory, after twenty-five years of service in this organization, conscious that I have been a part of a nation-wide effort to place American cities on a firmer and more honorable basis, I am overcome with sadness at the parting, but the memory of the joy of the work with you and your predecessors is a worthy recompense.

OUR MOOT STATE CONSTITUTIONAL CONVENTION

BY FERDINAND H. GRASER

Philadelphia

I

WITH an attendance representing every section of the country and many varied vocations, the twenty-fifth annual meeting of the National Municipal League, held at Cleveland, Ohio, December 29, 30, and 31, 1919, tried an interesting novelty in convention methods. At the same time it signalized the entrance of the League into the field of state problems, for hitherto the questions considered at annual gatherings have had to do almost exclusively with city affairs; or, if they touched on county and state governments, it was usually with reference to their reaction upon the cities. Hereafter the entire commonwealth, with all its departments, divisions, and activities, will be the food brought to the table for dissection or digestion.

The meeting on two of the three days assumed the form of a moot state constitutional convention, to which the members of the governmental research conference and of the national association of civic secretaries, as well as of the League, were invited. Cleveland was also at this same time, the scene of the annual meetings of the American political science association and the American historical association, a fact which happily brought to several of the sessions men who in other years could not attend, though much interested, because their chief allegiance was elsewhere.

Carefully prepared planks for a model state constitution were brought to the opening sessions of the convention by men who have for years given special study to certain divisions of state government. These planks were read, discussed, amended, and referred back to the writers, for revision and presentation on the last day, when they were given further attention by the convention as a whole, and then sent *in toto* to the committee on state government of the National Municipal League, to be used as basis for a model constitution that can later be issued with the recommendation and backing of the League.

Just as the model city charter has been of untold help to a hundred cities which have within the past few years recast their fundamental law, so this new state charter or constitution, it is safe to say, will aid mightily in guiding the statesmen of perhaps a score of commonwealths, which have under consideration, or will soon have, suggestions for revising or amending their constitutions. And again the League will justify its existence and prove itself, ever young with its increasing years of experience, forward looking, up to the minute in listening to suggestions for improvement in government, fair in testing them out, sagacious in its advice for their adoption where they will do the most good.

A change in executive officers of the League comes simultaneously, though not intentionally. The Hon. Charles Evans Hughes of New York, a former justice of the supreme court of the United States, succeeds Mr. Lawson Purdy as president, who, after five years' service, found himself unable to give the League the attention it required. Mr. Frank A. Vanderlip of New York city, former secretary of the treasury, becomes treasurer of the League. The office of secretary has not yet been filled. Mr. Clinton Rogers Woodruff delivered his valedictory at the twenty-fifth annual meeting, which marked the rounding out of a quarter of century of service with the organization. The council of the League will select his successor.

II

The moot convention had its moments of spectacular and dramatic interest, its lights of intellect, its shadows of doubt, and its periods of gloom and of laughter, for with all shades of opinion represented by the men and women on on the floor, the discussions at times waxed spirited and warm. It must suffice here, however, to deal with the high spots, and to refer the patient reader for details to the final draft, which the committee is to present next year.

Every state constitution should, of course, begin with a bill of rights; on the other hand, it should not; for our rights are sufficiently safeguarded by the fourteenth amendment to the federal constitution. There at the outset you have conflicting views! The committee of one, Prof. Albert Bushnell Hart of Harvard brought with him eighty-one sections from various bills of rights found in existing state constitutions, which he said could be boiled down to thirty, and he proved it. The Convention decided to submit the thirty to any body of constitution makers who desire the best thought of the day in such a digest, but with a prefatory note saying that they are not really essential, after all.

The convention was not ready to give unqualified approval to the so-called state-manager plan,[1] as recommended by the national short ballot organization, represented by Mr. Richard S. Childs. The plan, however, received a cordial greeting, both because of the careful manner in which it had been formulated, and because, as its author pointed out, it was the logical development of the League's advocacy of the city-manager plan for municipalities. In brief, it reduced the governor to the position of presiding officer of the legislative council of nine, by which he was to be elected, with no veto or appointive power. The legislature would consist of one house of seventy-four members, the only committee of which would be the legislative council. The principal functions now exercised by the governor would be taken over by the administrative manager, elected by the legislative council, who would appoint and remove all heads of departments.

To this plan, which was ably supported by Prof. A. R. Hatton and others, strong objection was made by Dr. Charles A. Beard, minority member of Mr. Child's committee. Dr. Beard opposed the majority report with such effect that the convention, which on Monday leaned toward the adoption of the majority report, was swung back to the historical conception of governor and legislature with separated powers, but with the rights of the people safeguarded by proper methods. Dr. Beard believes that a legislature elected on the principle of proportional representation need not be larger than forty members, but the convention agreed to seventy-four. He was skeptical of the advantage to be derived by a state manager, pointing out that no city of the first magnitude has yet tried the city manager, on account of the necessity for political leadership in the executive.

Under Dr. Beard's plan the governor would be elected by the people, with absolute power to appoint and remove heads of departments, would prepare the budget, which the legislature might reduce but not increase; and would have the power to dissolve the legislature when it defeats any of his measures. The legislature, organized with one committee on appropriations and revenues and one standing committee for each of the major branches of state administration, might, on the other hand, call a general election to support it in any break with the governor. There would also be introduced the recall principle.

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[1] National Municipal Review, vol. viii, pp. 707–709.

III

In other directions, the League substantially followed the precedent set in former years. It renewed its allegiance to proportional representation and showed how it might be written into a state constitution. It adopted a brief budget provision, and recommended the initiative, referendum and recall as parts of fundamental state law. Unification of all courts in the state through a single administrative system was provided in a series of sections drafted by the American judicature society. The convention favored the appointment of judges, generally speaking, by the governor; and voted against the appointment of any judges by the chief justice. It stood by the principle of local self-government in the matter of supervision by a state civil service commission of all local public servants; but would permit a state auditor of public accounts to prescribe methods of accounting for counties and municipalities. The League's Model Charter proposals for municipal corporation provisions, were adopted without change. The declaration on taxation is limited to a single sentence declaring that "the power of taxation shall never be surrendered, suspended, or contracted away." An educational requirement for the suffrage was favored, and it was desired that a woman's status with reference to voting should not be affected by marriage. A friendly attitude toward the demands of labor for legislation as to number of hours of work and as to social insurance, was manifested. Three methods of constitutional amendment were approved: proposal by the legislature; by the electorate, through the initiative; and by a body especially selected for the purpose; all of these would require for their consummation the approval of the electorate in referendum.

The present constitution of the state of Nebraska formed the groundwork of all the suggestions made, and of the discussion, and one of the delegates to the Nebraska convention now in session, Mr. Addison E. Sheldon, who participated actively in all the proceedings of the League's meeting, declared that the amendments proposed would have immediate consideration in his state.

A CITY THAT RAN A FARM

BY H. W. DODDS

Western Reserve University

I

Rising prices of foodstuffs and consequent unrest have stimulated new speculation and some novel experiments concerning the food supply. It remained for the city of Allentown, Pennsylvania, a town of 75,000 population, to undertake a municipal farm, the products of which were marketed in competition with the commission merchant and retailer.

In 1916 the city council bought a farm of 480 acres on the outskirts of Allentown as the site of a sewage disposal plant. Its construction was interrupted by the war, and rather than lease the tillable soil to private individuals, the superintendent of parks began in the spring of 1918 to operate the farm as a public enterprise. The original plans for sewage disposal were later abandoned in favor of the electrical oxidation system, and the land was held frankly as a municipal farm.

The 275 acres of tillable soil have been cultivated with paid help as any farm of the size in Pennsylvania. No attempt has been made to employ prison labor in this connection. In addition to the usual grain crops, an extensive variety of truck has been raised and a drove of 125 pigs was supported from city garbage. The products have been sold from city trucks at the curb markets and at cost in one or two private stores.

The superintendent of parks, to whose initiative the whole program was due, distributed the supply among the markets with the definite purpose of controlling the general price. "My main object in running the farm," he states, "was to obtain enough produce to enable me to go into the market and, by selling city products at a fair price, make it impossible for dealers to profiteer in vegetables." Products offered for sale were advertised in the local papers and the prices quoted in advance. Housewives came to call these prices "city prices," and they exerted a real influence at least on the market at which city products were being sold. The "city prices" were generally lower than the prevailing retail prices, and on a number of occasions brought distinct cuts in retail markets, which, its promoter believed, went to increase the value of the farm as a social agency. The farm did not provide sufficient quantities to control prices universally throughout the city, but its sponsors claimed that within two years the city could control a margin of the supply sufficient to fix prices throughout the city.

The management constantly strove to make the project pay and by providing easy selling facilities through the curb markets to encourage food production in the community. Toward farmers the attitude was one of co-operation in securing a fair price, but toward the produce merchants the attitude was active competition. In fact the produce dealer was assumed to be a profiteer *per se*. The plan was to sell at cost plus a fair profit and not to undersell the farmers who market directly at reasonable prices.

The utilization of the garbage on the municipal farm was still under trial, but those in charge hoped that eventually the city would be able to raise

3,000 hogs, the number which could be supported from the garbage supply of Allentown. The farm was able to dispose of less than 5 per cent of the total garbage and the city is paying a good sum for garbage incineration. The hope was to turn this outlay into income. Another prospective source of revenue was the utilization of the pasture land and grain crops for fattening cattle and sheep for market. All the crops would thus be marketed eventually in a form ready for direct consumption by the people.

The financial experience was encouraging. In response to the charge that the farm was wasting the people's money, a committee was appointed by the city council at the end of the first year to appraise the assets and audit the books. The findings of the audit committee placed the value of the equipment, crops and cash on hand at $3,000 more than expenditures in equipping and operating the farm for the first year. The year 1918, however, was one of rapidly rising prices for farm products, and this favorable balance was wiped out later by the ravages of hog cholera and a drop in the price of the corn being held for market. As a consequence the management was glad to be able to break even on the first year's venture. At this writing it is too early to know the financial experience of the second year. Adequate steps, however, were taken to prevent a recurrence of the cholera. Those behind the undertaking frankly viewed it as an experiment, and believed that it would take five years to determine whether or not it was practicable.

II

In considering the merits of the plan and its possible extension to other cities, it can be seriously doubted whether this is a propitious field for collective enterprise. It is designed to get at the profiteer by an indirect method of fixing the market price. But this will not solve the difficulty of the food supply. A broader plan will seek to make each community self supporting through the encouragement of home production. Wide awake municipalities will establish easier and more direct collection, distribution and market facilities. Some are going further by providing the farmer with commercial credit on terms commensurate with those which his city brother enjoys, thus enabling him to respond with confidence to the better market near at hand.

An enterprise which may discourage production cannot be adopted generally. Although the Allentown management took pains to maintain the good will of the farmers who come to their markets, a department of the city government frequently offering special bargains in municipal produce will not reassure the timid farmer's heart, and the first step towards sounding the possibilities in the food supply is to convince the farmers of the community that the home market is a good market.

Finally, food production is a highly speculative venture (the risks of which, in the last analysis, the commission merchant has escaped). Successful farming, moreover, requires strict attention to detail and prompt action in every exigency. The considerations which have discouraged successful consolidation of several farms under single capital control would indicate that farming presents difficulties in management which make it a business unpromising to municipal endeavor.

The administration of the Allentown farm was in the hands of an unusual type of city official. Mr. R. J. Wheeler, Superintendent of Parks and Public Property, believed heart and soul in the venture. Being convinced that the field of social enterprise must be widely extended he spared no effort, and running a farm is a man's job, as any one will admit who has tried it.

Unfortunately, this interesting experiment will probably not be continued. The recent municipal election, the first under the new law restoring the partisan ballot to third class cities, turned out the "socialistic" majority in the council which, among other things, had been especially energetic in continuing the sale of surplus army food in Allentown. It is now understood that the city is to have no more government food, and the "socialistic" plans of the old council have, for the time being at least, fallen by the wayside.

TO POPULARIZE MUNICIPAL BONDS

BY HENRY BRUÈRE

I

The government war loan campaigns made investors of millions who had never before known even the meaning of investments because investing was made easy and habits of regular saving were instilled. And on these two points must be based means for the democratization of investment—convenient securities within the means of all and available to all and the effective encouraging of constant thrift—these being intermotivated.

Before the war campaigns these two requirements were never combined. Securities were of such denominations and their sales methods were so repellent as to make them impossible. The encouraging of thrift was left to savings banks, which, by their very nature, could only be passive, and to building and loan associations, life insurance companies and similar specialized institutions. But the need had for some years been recognized and what were apparently experiments in the necessary direction were undertaken.

The idea of "baby bonds" was developed and New York city sold securities in $10 denominations and the United States issued $20 bonds. But these did not solve the problem because distribution methods were no better than for the high-priced securities and because they were subject to similar fluctuations of market price. Then, too, there was no mechanism for encouraging and organizing thrift.

II

Early in 1913 the problem was the subject of conferences, in New York, of a number of prominent business men, including bankers, merchants and financial lawyers. It was urged that the matter was one of distribution, it being declared that investments could be sold in stores just like clothing or groceries. This was taken up by a director of the Northwestern Trust company in St. Paul, who had participated in the conference. The trust company had at that time $200,000 in St. Paul bonds on its hands which it could not dispose of through the usual channels. As a half jesting experiment these bonds were put on sale in a department store, sold like merchandise and in one day the whole $200,000 worth went "over the counter." "The St. Paul plan" achieved fame and other department stores tried it. The *Baltimore Sun* in ten days sold $1,000,000 worth of bonds, and "over the counter" sales of municipal securities have been resorted to in a number of cities, although they are still objects of interest. The sinking fund commissions of St. Paul began to issue small unit certificates based on St. Paul bonds. These were placed on continuous sale and were made redeemable at par.

This plan developed into the so-called "municipal savings bank" of St. Paul, which, after six years of operation, on July 1, 1919, had "deposits" totalling $3,635,000. In this way the bank takes up the city's obligations at a very favorable rate and saves large sums in interest charges.

Meanwhile, in the summer of 1913, the New York conferees continued consideration of the plan and enlisted the aid of many well-known advisers and especially consulted the banking department of New York state. The thrift bond plan was finally evolved and Herbert R. Sands, then assistant director of the Bureau of Municipal Research of New York city, studied various types of savings methods and examined the practicability of the thrift bond plan. He found that existing methods were inadequate for the task of developing to the fullest possible extent the savings investment ability of the country and that the thrift bond plan seemed to meet all the demands for a universal, safe and convenient system of savings through securities distribution. As a result of the investigation, the National Thrift Bond Corporation was organized under the New York state banking laws and in April, 1917, the first thrift bonds were issued.

The thrift bond is essentially a certificate of participation in the ownership of the soundest possible securities, bought by the corporation and held in trust, these securities being confined to bonds of federal, state, county and municipal governments, representing at least 10,000 population, in existence fifteen years without defaulting their obligations. Thrift bonds come in $10 and $100 denominations, both being negotiable. Coupons are attached to these bonds by which 3 per cent interest is paid. The cost of sale and distribution and the profits of the corporation are met out of the difference in interest rate at which the securities are bought and the thrift bonds sold. In order to make it quite easy to purchase these bonds, thrift receipts are sold in denominations of 50 cents, $1, $2 and $5, these when accumulated to a total of $10 are exchanged for a $10 thrift bond. Thrift receipts bear no interest. The receipts and bonds are cashed by the issuing company on short notice at par value. This system, therefore, combines the advantages of the savings bank and of security ownership. It makes the overwhelming advantages of government and local government securities available to the small investor.

III

The vital phase of the plan is that of distribution. The logical merchandising medium was the store—accessible and convenient. But the war loan campaigns would have been in conflict with such methods and the corporation sought other means. It was reasoned that the greatest service could be done to the nation by concentrating effort on its workers. By extending security-ownership to them many steps towards industrial harmony might be attained. At the same time the government loans might be aided by making it easier for industrial workers to subscribe to war bonds, through the easy savings plan of the thrift bond system. Under the plan as it operates in a hundred plants, the employe designates on a subscription form the amount he wishes to save each week. In each pay envelope he finds thrift receipts for that amount, which he exchanges for thrift bonds in due time. In this way the savings bank is brought practically to his bench—and there are many other phases of the plan attractive both to the employe and the employer. Over 110,000 workers are saving regularly under it.

Within the past few months the National Thrift Store League has been organized. It is proposed to join together in this league at least one hundred prominent merchants representing department stores in almost every part of the country. They will engage in a nation-wide thrift campaign through the medium of thrift bonds. The members of this league, it is estimated, employ a total of 100,000 men and women and there will, therefore, be this number of potential security salesmen in constant touch with the large mass of the people. The co-operation of manufacturers, schools, churches, fraternal and other organizations will be enlisted and it is planned to use every appropriate advertising and publicity method.

IV

There are two aspects which should be of interest to local government officials. How can this system affect their financial operations? How can it influence democracy in action?

The simple, nationwide, centralized organization of the thrift bond savings system means increased volume and reduced costs in the distribution of local government securities. It will, therefore, be possible for the National Thrift Bond Corporation, as its work grows, to offer better prices for these securities than the ordinary bond houses. As the underlying bonds which are purchased by the corporation are simply deposited in trust company vaults, the present high cost of printing elaborate, engraved documents can be considerably reduced, thus affecting a further saving. As the ultimate market for these bonds will be eventually multiplied many times, it will be capable of absorption of these issues at a much steadier rate. Ultimately, perhaps, a large proportion of local government bonds issued in this country may be distributed through these channels, as the borrowings of all French cities (with one or two exceptions) are now carried on through the Credit Foncier.

The extension of ownership of local government securities to a greater mass of the population should also serve to stimulate citizen interest in the workings of local governments. The increasing proportion of "renters" in cities, who pay city taxes indirectly and, therefore, without concern, will be counteracted by an increasing proportion who participate in the ownership of the city's securities. The National Thrift Bond Corporation has endeavored, as far as possible, to buy the issues of those cities and states where most of its industrial subscribers have been located. Among the governments represented in this list of securities are: New York City; Newark, New Jersey; Cleveland and Columbus, Ohio; Akron, Ohio; Boston, Massachusetts; Hartford, Connecticut; state of Massachusetts and state of New York. These possible effects on citizenship are in addition to the broader social and economic consequences of the democratization of wealth.

The thrift bond savings system illustrates how American business methods and organization may be applied to the constructive solution of problems which lie at the very basis of American democracy.

THE MUNICIPALITY'S SHARE IN PREVENTING VENEREAL DISEASE

BY GEORGE W. GOLER, M.D.

Health Officer, Rochester, N. Y.

I

In your city and my city syphilis affects more than 5 per cent of its men, women and children. For gonorrhoea you must double these figures for men and women only. In certain occupations the number of persons affected with venereal disease is three times 5 per cent. Of all the waiters or waitresses who bring food to you, the barbers who care for your tonsorial needs, the policemen, the nursemaids who care for your children, double or treble 5 per cent are affected with venereal disease. This is an estimate. You want proof of its accuracy? Take these figures from various parts of the country and apply the lesson to be gained from them, and then ask if your city is responsible for the share of venereal disease which affects its people. Of 25,633[1] cases of various infectious diseases reported in New York city 28 per cent were syphilis. For several years before the war France lost more than 25,000 persons per annum by death from syphilis. In Prussia, according to official reports, at least 22 per cent of males are syphilitic. The Royal English Commission believes 10 per cent of the population is syphilitic. In the United States careful estimate by conservative authorities place the number of syphilitics at 10 per cent of the population.

Syphilis is one of the chief causes of insanity. From 4 to 15 per cent of all the insane in state hospitals or institutions for the insane are there because of syphilis. In the Government Hospital for the Insane at Washington 20 per cent are there because of syphilis. In a Michigan Hospital for the Insane one third of all the patients who died there, and upon whose bodies careful autopsies were performed, had the organism of syphilis found within their bodies.

In large general hospitals in various parts of the country more than 60 per cent of all the pus operations upon the genito-urinary apparatus of women were done because of the gonorrhoeas usually contracted from their husbands.

In the hospitals throughout the country which conduct the affairs of their patients upon a really scientific basis, all of the patients are carefully examined for syphilis when they enter the hospital as a routine measure. Of many hundreds of patients examined in these large and representative hospitals, the following are the figures:

Micheal Rhees Hospital, Chicago, 28 per cent syphilitic.

Peter Bent Brigham Hospital, Boston, 15 per cent syphilitic.

Johns Hopkins Hospital, Baltimore, 20 per cent syphilitic.

But syphilis is not only found in hospitals, among the insane and abroad. Of that part of the population from which the Army is recruited in time of peace 20 per cent are syphilitic. Of college men and candidates for commissions in the Army and Navy, 5 per cent; of candidates for police (and the same thing would doubtless be true of the fire force), 15 per cent are syphilitic.

From a close study of the subject it is

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[1] Statistical material chiefly from Vedder's "Syphilis and Public Health," and Stokes' "The Third Great Plague."

believed by investigators of repute that 10 per cent of married men and women have syphilis; that 10 per cent of marriages involve a syphilitic individual; that 75 per cent of the offspring in these syphilitic families die; that 30 per cent of syphilitic pregnancies terminate in death at or before term; that 30 per cent of living births in syphilitic families die in infancy as compared with a level rate of 15 per cent in non-syphilitic families.

Williams, chief of the Obstetrical Department of Johns Hopkins Hospital, says: "Syphilis is the greatest cause of death in the unborn." Of 60,000 blind in the United States, more than a quarter of them have been blinded by gonorrhoea. We know that gonorrhoea causes much of the so-called rheumatism in men and diseases of tubes and ovaries in women. We know that syphilis is the cause of various forms of heart, kidney, liver and blood vessel disease; that practically all the apoplexies under 50 are due to it. And yet, syphilis rarely appears in that "bookkeeping of humanity," known as vital statistics, as a cause of death. The cause of death appears as heart, kidney, liver diseases, but the underlying syphilis, the real cause of death, rarely appears. The real causes of death will never appear in our vital statistics until controlled by universal and compulsory autopsies.

II

Here, then, are two diseases, syphilis and gonorrhoea, known as venereal diseases, affecting men, women, fathers, mothers, sons, daughters—whole families—with disease; in the case of syphilis, handed down from one generation to another, sometimes it affects even the third generation, attacking over 5 per cent of our people. Until the outbreak of the World War these diseases, and particularly the disease known as syphilis, only began to attract attention to its ravages.

Take syphilis alone! Doubtless first found as a mild disease on this continent and carried to Europe and the then civilized world, by the sailors of Columbus, it spread through Europe like a pest in the late fifteenth and early sixteenth centuries. But as time passed and the people became more resistent to the infection of syphilis, or the organism became less infectious, the disease pursued a milder course. Save for the saddle-nose deformity in infants and children, it leaves few marks readily discernible by the layman on the outside of the body. But it kills the infant before, at and just after birth; and it is responsible for much of the disease of the various organs and systems of the body, chiefly the digestive and circulatory apparatus and the nervous system, for which it has a special affinity. It attacks the body in such protean forms that it led Osler to say: "Know syphilis in all its manifestations and relations and all other things clinical will be revealed unto you." It was a disease early recognized in its more serious forms by the old masters of medicine. Oliver Wendell Holmes said of Ricord (1799–1889), the authority of his day on syphilis: "The Voltaire of pelvic literature—a skeptic as to the morality of the race in general, who would have submitted Diana to treatment with his mineral specifics and ordered a course of blue pills for the Vestal Virgins."

The cause of syphilis was *then* unknown; the cause of gonorrhoea had been discovered; but in 1905 Schaudin found the pale, delicate corkscrew-like, though boring organism of syphilis, Treponema pallida. In 1906 Wassermann, using the work of two Belgians, Bourdet and Gongeau, devised the

Wassermann test. In 1911 Nogouchi, at the Rockefeller Institute, devised the Leutin or Nogouchi test, and in 1910 Ehrlich succeeded in introducing arsenic within the benzol ring and gave to us a compound, "Salvarsan" or "606" for the treatment of syphilis. And Ehrlich, as Behring had done with diphtheria antitoxin, patented the process instead of giving it to the world as Pasteur and Metchnikoff or our own Flexner and Nogouchi gave their discoveries to the people.

Armed with these laboratory tests and with this remedy, physicians felt they had a sure and speedy cure for syphilis. In this they were disappointed; for, notwithstanding the new means of diagnosis, new methods of treatment, syphilis is a disease which, for a time, often pursues such a mild course as to baffle the diagnostic ability of the doctor and to delude the patient into the feeling that there is nothing the matter with him. This disease is so amenable to treatment, so far as symptoms go, as to make both doctor and patient feel that a cure has been effected when only the evident symptoms have been held in abeyance while the disease is still present waiting to manifest itself, within heart, blood vessel, liver, kidney or nervous system. Syphilis is frequently a disease "en masquerade," affecting the skin, the mouth, throat and nose. In its later manifestations it often leaves the skin, especially the face, untouched. But, could we look beneath the skin we would often find nests of corkscrew spirals of syphilis lurking in old syphilitic scars in multiple minute abscesses, waiting for the time to strike at a more vulnerable part of the body of its victim.

III

This, in brief, is the story of venereal disease as it affects our people. Is there not in this story some reasons why the municipal government should have a responsibility for the prevention of venereal disease, and also for its treatment? What will the municipality do? It will suppress prostitution, public and clandestine, and care for the prostitute as an erring female, either to be restored to society or to be segregated in an institution until she dies. The municipality will provide for the free examination of all candidates before marriage, and it will prevent the marriage of syphilitics and gonorrhaics just as it one day will prevent the marriage of the insane, and as it now prevents the marriage of lepers. The municipality will provide for an extension of those free municipal laboratories already established, to which all physicians will have access, for the examination of blood and serum, both for diagnosis and treatment. It will, too, establish, both night and day, pay and free clinics, with separate hours for the sexes, where poor persons and those in moderate circumstances may come for treatment, either free or within their means. And it will provide under the police power for compulsory attendance of all persons in whatsoever circumstances, either at the clinics or at the offices of their physicians. It will compel the systematic stated checking up and re-examining of all those affected by venereal disease who have shown themselves to be free from symptoms and with negative laboratory findings, to be sure that there is no return of the disease. And it will ultimately provide for the determination of the diagnosis of all those who have died, by autopsy and laboratory study of the organs of the dead, so as to be sure that all persons dying within the municipality may have a real record of death set opposite their names. Autopsies will be conducted for the benefit of the living. Universal autopsies would revolutionize the practice of medicine. Not only would a vast deal of information be furnished to the doctor, but the doctor would be more careful in his diagnosis if he knew that after death the body of his patient was to be subject to an examination which would in effect be placing his diagnosis and treatment on trial. Autopsies were universal in the Army during the war and the increased sum of knowledge which has come to medicine as a result of these autopsies will result in a very great improvement, both in methods of diagnosis and treatment.

Ultimately the municipality will do all this and more for those venereal diseases which cause such frightful mortality; for many of the people whose deaths are put down as heart, kidney and liver diseases, apoplexies, rheumatism, nervous disease, insanity, really die of syphilis. Much of the rheumatism of men and the tubo-ovarian disease of women is due to gonorrhoea. For all this the city must assume responsibility. It will do so at first not because it desires to improve morals or health, but because it will be forced to do so by economic pressure. Children are no longer imported from Europe. The labor market there is giving out. We are going to have to depend for our vast industries on our own people and their offspring; so we must take care of our people. Our people must be born well to live well. So we will suppress prostitution, insure the chastity of women by an improved economic system, treat venereal disease and keep the patient under control, by the police power if necessary, until all signs and symptoms have disappeared, so that the disease, even in latent form, may not be handed down to the generations as yet unborn; so that the potential fathers and mothers of this generation shall provide in the generation to come a state and a city free from venereal disease.

THE FATE OF THE FIVE-CENT FARE

X. MINNEAPOLIS KEEPS HOME RULE AND THE FIVE-CENT RATE

BY WILLIAM ANDERSON

University of Minnesota

The necessary basis for fair dealing between the street railroads and the people is scientific valuation, but as no one knows what that is and the United States Bureau of Standards still refrains from the task of setting up standards in this field, Minneapolis, for instance, gets figures that are $10,000,000 apart! :: :: :: :: ::

The present fifty-year exclusive franchise of the Minneapolis Street Railway Company will terminate on July 1, 1923. Under this franchise, as modified in 1890 and subsequently, the car-rider is given the right to ride from any point in the city to any other point on payment of a five-cent fare. The city council may regulate service, provided it does not go to the point of confiscating the property, but it has no power to compel the construction of extensions and none to reduce the unit fare per ride below five cents. The latter point was finally decided in 1910 in litigation over the six-for-a-quarter ordinance of 1907.[1]

MOVEMENT BEGUN FOR A NEW FRANCHISE

Confronted by steadily rising costs of operation, and the prospect of the early termination of its Minneapolis franchise, the Twin City rapid transit company, a New Jersey corporation which holds the stock of the Minneapolis, St. Paul, and other operating companies, proceeded as early as 1914 to pave the way for a modification and extension of its Minneapolis franchise. The Minneapolis civic and commerce association lent its aid in 1915 to secure the passage of the so-called "Enabling Act" empowering the city to open negotiations with the company for a new grant. Powerful opposition developed during the passage of this bill and it was necessary to amend it to make it more favorable to the public.

The city was cautious and deliberate about proceeding to negotiate with the company. On August 27, 1915, the council directed the city engineer, Mr. Cappelen, to proceed to an appraisal of the property. Not until September, 1916, was the work completed. He found the fair value of the property as of January 1, 1916, to be $25,914,308. Certain groups in the city thought this valuation excessive, and that fall Mr. Thomas Van Lear, a member of the Socialist party, was elected mayor after a bitter campaign in which he called upon the voters to "stop the $15,000,000 street car franchise grab."

For the next two years, due to a combination of causes, little progress was made toward a solution. Mayor Van Lear called in a Mr. Hogarth, an engineer from the Socialist administration in Milwaukee, who arrived at an extremely low valuation of the property. In January, 1918, the central franchise committee, representing various civic organizations, presented a majority and a minority report on the valuation, the former being $21,279,932 and the latter $15,470,360. In the meantime the city council had grown somewhat doubtful of the Cappelen valuation. It engaged Mr. C. L. Pillsbury, a consulting engineer, who rechecked and analyzed the Cappelen figures with the result that he reduced the total to $24,346,113.

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[1] *City of Minneapolis* v. *Minneapolis Street Railway Company,* 215 U. S. 417.

The various valuations as of January 1, 1916, were as follows:

Street railway company's figures...	$35,323,376
City Engineer Cappelen's figures...	25,914,308
Engineer C. L. Pillsbury's figures ..	24,346,113
Central franchise committee majority figures....................	21,279,932
Central franchise committee minority figures....................	15,470,360
Engineer Hogarth's figures.......	13,608,730

As the war progressed, the company fell into even greater difficulties. Labor troubles multiplied. Equipment was hard to get. It was impossible to borrow money for extensions. Gross earnings failed to keep up with the rise in costs of operation. To cap the climax, the mayoralty election of 1918 became a contest between two men both of whom were publicly committed to a low street railway valuation. The incumbent, Mayor Van Lear, favored the Hogarth valuation. His opponent, J. E. Meyers, had signed the minority report of the central franchise committee. Whichever won, the company was likely to find the mayor a strong opponent of any settlement embodying a high valuation.[1] There was but one way out for the company, namely an appeal to the legislature to put the street railways under state control.

MOVEMENT FOR STATE CONTROL

In due course the people saw introduced by a rural member of the legislature, in the session of 1919, a bill to end local control of street railways. In explaining his advocacy of the measure the introducer naively stated that, although he was not from the Twin Cities, he was interested "because 10,000 persons from outside Minneapolis and St. Paul ride on the Twin City lines every day." It was quickly discovered that the bill, while purporting to increase the powers of cities to control their transportation systems, actually authorized street railway companies to surrender up, and thus escape the obligations of, their franchises, and to receive in lieu thereof indeterminate permits. By this means their rates of fare, formerly fixed, were to be made subject to change at any time, while the power of regulation was in the last analysis transferred to the state railroad and warehouse commission. Once the character of the bill became known, the state municipal league, together with leading officers and citizens of the larger cities, carried on such a vigorous opposition campaign as to defeat the bill in the house, where it originated, by a vote of more than two to one.

DRAFTING A FRANCHISE

Again the companies had to take up negotiations with the cities concerned. By this time in Minneapolis the franchise movement was well under way. The city attorney, with the aid of Mr. Stiles P. Jones, secretary of the central franchise committee, was rapidly perfecting a draft service-at-cost franchise. Numerous blanks were left to be filled subsequently by the company and the council—one for the agreed valuation, another for the rate of return, and so on. This draft went to the street railway committee of the city council early in 1919. Its first decision was a tentative agreement upon a $24,000,000 valuation and a 7 per cent return. During the summer the committee held a series of public hearings in the course of which it perfected and finally adopted a complete franchise. Mr. Bion J. Arnold of Chicago gave some assistance to the council in perfecting the details. The company kept in close touch with the matter throughout this stage of the proceedings, leaving the committee at no time in doubt as to its attitude on the major points at issue.

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[1] Mr. Meyers was elected.

The proceedings of the council on the day set for the final vote were enlivened by the appearance of Mayor Meyers, who made solemn protest in word and writing against the passage of a franchise which he criticized as allowing an excessive valuation and too high a rate of return, and as violating the enabling act in several particulars. It was his first official appearance throughout the entire proceedings. At the end of his address his sincerity was challenged by one of the majority aldermen who asked him why he had not given the council the benefit of his counsel earlier in the proceedings. His answer was that he had desired to do so, but had been expressly informed by the chairman of the street railway committee that the fundamentals, namely the valuation and the rate of return, had already been agreed upon in advance and could not be considered. "When I was informed that there was no possibility of opening these points I saw no reason, in view of my other duties, for going into the matter."

The franchise was adopted by the council on September 3 by a vote of 16 to 10, the opposition comprising the seven Socialist members of the council and three other members from labor wards. With what seemed to some people undue haste, the company accepted the proposed franchise. The company, which had forty days in which to do so, filed its acceptance within about as many hours.

THE PROPOSED FRANCHISE

The substance of the proposed franchise can be briefly stated. It authorized the company to continue to operate a street railway system in the city's streets for an initial period of twenty-five years, and thereafter "pending purchase by the city or other disposition of the property" for an indeterminate period. But such continued operation beyond the term of the grant was not to be "construed as a renewal or extension of the present grant." The city expressly reserved the right of purchase at the agreed valuation plus additions, at the end of each five-year period, and also the right to acquire the property by condemnation.

The valuation agreed upon was $24,000,000 as of January 1, 1919. This figure approximated Mr. C. L. Pillsbury's result, but since it was an agreed lump sum it was difficult to attack in detail. Extensions and additions to the plant during and after 1919 were to be added to this value at cost. Upon the valuation of January 1, 1919, the company was to be allowed a return of 7 per cent cumulative, payable quarterly. Upon all additions it was to be allowed the interest necessary to secure the required capital, plus 1 per cent cumulative. This return, while not guaranteed by the city treasury, constituted a charge against gross earnings prior in right to all payments to the amortization and surplus earnings funds, and preceded only by the charges for operating expenses, depreciation, personal injuries, and taxes.

The company was given the power to regulate the rate of fare without upper or lower limit. A fare stabilizing fund of $250,000 was to be created to be increased from time to time by the addition of surplus earnings. The initial fare of five cents could be reduced or increased as the fund waxed fat or grew slender. Out of any surpluses over $250,000 in this fund, the council could direct that certain sums be transferred to the amortization fund, established for the purpose of eliminating all intangible values from the capitalization. The city treasury was to profit in no respect from the company's earnings.

The council was apparently given the full power to regulate the service. It was to appoint a street railway supervisor and his necessary assistants, whose salaries and expenses were to be paid by the city in the first instance and charged by the city to the company. The council was empowered to regulate in detail the operation of cars upon existing lines, and also to order extensions to be made. A list of six extensions to be built in 1920 and thirteen others to be constructed at an early date was given in the franchise itself. The company agreed to carry out all orders for better service and for extensions, subject to the important proviso, "that such observance of and compliance with the orders of the city council by the company will not impair the payments or funds specified in section 9 hereof." This proviso simply meant that all operating expenses, depreciation charges, personal injuries, and taxes, *and payment of 7 per cent cumulative on the agreed valuation,* together with 1 per cent to the company on all new capital, over and above the necessary interest, together with a few minor payments, had first to be provided for. Only when it was clear that these would be taken care of could the company be obligated to obey the council's mandates. As the opponents of the franchise phrased it, 7 per cent came first, and service second. Even in case the company should refuse to obey the council's orders for extensions or permanent improvements, this return could not be reduced below 6 per cent.

The next step in the proceedings, under the terms of the enabling act, was to get the consent of the people. As a matter of fact there intervened a court action in which the mayor, supported by nine of the ten dissident aldermen, tried to enjoin the holding of the special election. He alleged that sundry violations of the charter and the enabling act had taken place, chief of which was this: That, although the charter gave the mayor the veto on all ordinances, and although the enabling act required the franchise to be adopted "by ordinance," nevertheless the council did not submit the franchise to the mayor for his approval. Upon studying the language of the enabling act, both the Hennepin county district court and the state supreme court rejected this view, and all of the other contentions. They held that the mayor had no veto upon the franchise, and that the draft conformed in all respects to the requirements of the enabling act. The question then went to the people.

THE CAMPAIGN FOR ADOPTION

The campaign which preceded the election was an unusual demonstration of the possibilities and limitations of direct legislation by the electorate. The franchise upon which the voters had to pass made a pamphlet of sixty-six pages and approximately eighteen thousand words. In the official newspaper it filled more than twelve columns of solid fine print. Its thirty-seven articles contained numerous highly detailed and intricate provisions, upon the meaning of which the leading authorities for and against the franchise differed to the very hour of the election. Naturally enough, many of the voters were bewildered.

The franchise had no sooner been passed than it became clear that two groups in the city were definitely committed in advance. One faction, dubbed "the Socialists" by their opponents, although they certainly do not form one political party to-day, were mainly opposed to the grant. On the other hand, a large group of downtown business men were for it. There was in the third place a considerable group of intelligent men,—workmen, professional men, business-men,—who were at the outset neither informed nor committed on the franchise. They were the largest class of voters of all, and the least organized. It was they, however, who decided the election.

It is safe to say that no special election since 1900 aroused the intense interest and widespread discussion evoked by the proposed franchise. With the exception of the so-called Socialist group, the opposition were not at first well organized, but as the campaign entered its last month they picked up splendidly. Mayor Meyers and ex-Mayor Van Lear, opponents in 1918, found themselves fighting side by side against the franchise. While not so well equipped with funds for advertising, the opposition to the franchise carried on an excellent speaking campaign. Those favoring the franchise, better organized and financed from the beginning, made a poorer showing on the platform but were far stronger on the side of newspaper advertising and the issuance of pamphlet material. The weekly *Rapid Transit News* could be had free at all times in the street cars. Copies of the franchise were liberally distributed, and there were full-page advertisements in the leading newspapers every day. Much of this material was carefully read by the voters.

Despite the extreme complexity of the entire question, public attention was early concentrated upon not over four or five salient points. In the *first* place, the opposition hammered away at the valuation, alleging that it was too high. The Meyers group said $16,000,000 would be more nearly correct; the Van Lear group put the figure even lower. Too much, they said, had been added for going concern value,—and too little deducted for depreciation. *Second,* the rate of return was too high, they averred, and when coupled with the high valuation amounted to flagrant extortion. High fares would undoubtedly result. *Third,* good service was no more assured under this franchise than under the old. By the terms of the franchise the 7 per cent return had first to be assured before better service could be required. In the *fourth* place, near the end of the canvass, the opposition claimed to find a "joker" in the franchise in the form of a clause in the section on purchase which would permit a bare majority of the council at any time, without a vote of the people, to force the city into public ownership. This argument did not have the best possible foundation in law, and there were learned opinions to the contrary. Notwithstanding, the argument was used with telling effect. Even the Socialistic group laid stress upon this point, for they opposed having the city buy the plant in any case at what they considered an excessive valuation.

There were other arguments, too, but the result was, in part at least, determined by non-rational causes. In the first place the people remembered only too well how, in the days of its prosperity, the company had fought the six-for-a-quarter ordinance and had insisted upon the flat five-cent fare. Then, too, an early winter had brought much snow and cold to the city during the three or four weeks before the election. Due in large part, no doubt, to this cause, the street-car service was unquestionably very poor during the franchise campaign. Many voters, however, attributed the poor service to an intent on the part of the company to give a "horrible example" of poor service in order to convince the voters of the need of a new franchise. Those who put this construction upon the unfortunate condition probably voted against the franchise in considerable numbers. Finally the leaders of the campaign for the franchise committed the crowning indiscretion of charging that the bulk of the opponents of the franchise were Socialists, Communists, I. W. W.'s and Bolshevists. They challenged the independent voter to line up on that side if he dared, and he accepted the challenge.

DEFEAT OF THE FRANCHISE

The day of the election was cold, and there was snow in the air. Nothing deterred; over 53,000 voters of the 70,000 registered went to the polls to vote on this single question. In the second ward, an industrial district, but also the location of the state university, more votes were cast than in the 1918 general election. The result was the defeat of the franchise by over 7,000 votes.

WHAT OF THE FUTURE

The situation to-day is this: Minneapolis, having defeated successive attempts to deprive her of local control of her street railways, has now defeated a franchise under which she was promised carline extensions and better service, but at the cost of higher fares. She retains home rule and the five-cent fare, but she has done nothing constructive to solve her transportation problems. Affairs are simply in *statu quo ante.* The service is poor. There is no money, says the company, either to build extensions or to improve the service. To be sure, the council has already ordered the city attorney to proceed against the company to compel the construction of two new lines, but unless the company finds it good policy to cast its bread upon the waters, to do something handsome for the city just to restore good feeling, little is to be expected but litigation.

There is no question that the next move should come from that group opposed to the late franchise, represented by Mayor Meyers and the minority of the central franchise committee. They have defeated one proposal; what constructive measures they will propose do not yet appear. If their solution is not ready for submission before the next legislature meets, it is almost certain to be confronted with a new demand from the company, and a demand more compelling than ever, to transfer them to the jurisdiction of the state railroad and warehouse commission. There will be influential representatives from Minneapolis to present this view. They will be equipped with the very plausible argument that "home rule has failed." The legislature, which has already threshed this old straw many times, and which has long been restive under the burden of passing on so many of Minneapolis' problems,[1] will be strongly inclined to settle this question once for all by establishing state regulation.

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[1] The largest city in this home-rule state, Minneapolis is still without a home-rule charter. Every attempt to adopt one has been defeated. The result is that Minneapolis still relies on legislative action for changes in its charter.

THE SECOND PROPORTIONAL REPRESENTATION ELECTION IN KALAMAZOO

BY AUGUSTUS R. HATTON

Kalamazoo (population 50,000) has a close copy of the National Municipal League's model charter and as it is the largest American city electing its council by proportional representation, the story of its second election is important evidence. :: :: :: ::

A YEAR and a half ago, the story of the first proportional representation election in Kalamazoo was told in these pages.[1] The second election, held on November 4, 1919, was even more interesting and instructive. At the first election, the contest swirled about the name and personality of Truxton Talbot, Socialist, labor leader and editor of a small weekly newspaper. At the second election that struggle was all but forgotten. Talbot, as a member of the city commission, had not fulfilled the dire prophesies of his opponents of 1918 and, in the meantime, important issues had arisen which turned public attention to policies rather than to personalities. These issues were the proposal to issue. $1,260,000 of bonds for the extension of the municipal lighting plant, the policy of the commission in establishing a municipal coal yard, and the continuance of the proportional representation system of choosing the commission. As the entire commission is renewed at each election there was an excellent opportunity to pass on the policies and personalities of the first commission chosen under the present charter. All the commissioners except one stood for re-election and, altogether, there were twenty-four candidates for the seven places to be filled.

THE LOCAL ISSUES

The extent to which the ground of municipal politics had shifted since April, 1918, may be briefly indicated. At that election Talbot and some of the candidates endorsed by him were opposed as representing all that was undesirable in socialism. For the election last November the Socialists nominated a ticket of seven and neither the name of Talbot nor of any of his associates of 1918 appeared in that list. There were many people who opposed Talbot in 1918 who, a year and a half later, were ready to declare that it was a good thing to have him on the city commission. Some of his former opponents even voted to continue him in office. A weekly paper published in the interest of the Catholic church declared, "Perhaps no commissioners have given more time or have been more active for the people than Dr. Butler and Mr. Talbot who deserve, on account of their earnest work, re-election." (Next to the election of Talbot in 1918 that of Dr. Butler had caused most consternation.) In the same issue of this paper, and in the same column with the above statement, there appeared an answer to the question, "Why are Catholics opposed to socialism?" This was as scathing a denunciation of socialism as the most confirmed supporter of the capitalist system could wish!

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[1] NATIONAL MUNICIPAL REVIEW, vol. 7, pp. 339–348.

And yet the great underlying issue of the campaign was the municipalization, or socialization, of additional activities. During the year the commission had established a municipal coal yard for selling fuel in small quantities at cost. This startled the coal dealers. An investigation of the feasibility of supplanting the private distribution of milk by a municipal system aroused another group. Finally the commission, by unanimous vote, proposed to issue bonds to the amount of $1,260,000 for the purpose of extending the electric light plant. The city has operated a plant for a number of years for public lighting and it was now proposed to extend this plant so as to sell current to private users.

Upon these issues the opposition united and formed an organization called the citizens' voters league. While the attack was centered on the bonds for extending the lighting plant, an effort was made to draw together all elements of opposition in the city. A bid was made for the votes of the original opponents of the new charter and particularly of those opposed to proportional representation. On the latter subject a special bulletin was issued which attacked proportional representation as un-American, confusing, a scheme on behalf of the few against the many, making it impossible for the voter to express his full will, involving a big element of chance, placing arbitrary power in the hands of election officials, not providing for majority rule and as making a recount of votes impossible. Absurd as most of these charges were, they undoubtedly had some influence. No attempt to answer them was made by those who believed in the system. The leaders were too busy fighting for the passage of the lighting plant bonds. As a result the constantly reiterated and uncombated statements that the Hare ballot is difficult to understand and mark undoubtedly made an impression on the voters and possibly kept some from the polls.

The citizens' voters league sponsored a ticket of five candidates standing, in some cases none too definitely, against the lighting bonds, further "socialistic" experiments and proportional representation. The league at the outset endorsed seven candidates but two repudiated its platform and stood as independents. The socialists, as already stated, nominated a full ticket of seven. The six commissioners who were willing to be candidates for re-election stood on their records, including the proposal to issue the lighting bonds. In addition to the eighteen candidates representing the three groups mentioned, there were six independents, one of whom, at least, stood on a definite platform.

THE NEW COMMISSION

The result of the election is an interesting study in discriminating voting. The lighting bonds lacked 53 of a majority, and 519 of the two-thirds majority required. At the same time only one of the candidates endorsed by the citizens' voters league was elected, and there was no apparent connection between his success and the support of the league or his endorsement of its platform. He is a man of wide acquaintance and popularity in the city, a former alderman and a representative of the larger Dutch element in the population. Four of the six commissioners standing for re-election were successful. These were Dr. W. E. Upjohn, then mayor, A. J. Todd, Truxton Talbot and Dr. Paul Butler. The remaining two places went to independents, one to Captain C. R. Myers, a young and popular soldier who distinguished himself in France, and the other to Alexander Velleman, a leading merchant and the only independent candidate having a definite platform. The seven Socialist candidates received first choice votes varying from 12 to 59.

An analysis of the election results indicates that, on the whole, the voters approved the work of the outgoing commissioners, although defeating the proposed lighting bond issue. As to that question the voters do not seem to have been influenced by the "anti-socialist" arguments of the citizens' voters league. That organization was careful to say that its opposition to the bonds was not to be regarded as opposition to municipal ownership but to the proposition to embark on extensive expenditures during the period of high prices. This was declared time and again in the advertisements and other published statements of the league. At the same time the league did try to take advantage of whatever sentiment there might be against the expansion of municipal effort into fields hitherto regarded as private. In a separate folder objection was expressed to "using the taxpayers' money to enter into private business" and to the continuance of the municipal coal yard. A warning was also uttered against the possible extension of what was alleged to be a dangerous tendency. It is very doubtful whether this "viewing with alarm" influenced many voters. One gets the impression in Kalamazoo that the municipal coal yard is rather popular. On the other hand the voters were persuaded that the present is not a favorable time to make large expenditures for the extension of a public utility. There were good arguments on the other side but the fact remains that the opponents of the lighting bonds made their point with the voters while the proponents of the bonds failed to do so. It was in this state of mind that the voters re-elected four of the six commissioners who were candidates and defeated their bond issue for electric light extension.

THE DEFEATED COMMISSIONERS

One of the defeated commissioners, George Martin, was regarded as the most conservative man of the commission while the other, William Shakespeare, Jr., was classed with the more radical element. As to Martin, his defeat was probably due to the widely held opinion that, because of his employment in an establishment in which Dr. Upjohn is largely interested, he was not in a position to act independently and thus adequately represent those who had elected him in 1918. Personal confidence in Dr. Upjohn was indicated by the fact that he received more first-choice votes than any other candidate. However, it was a common remark that he ought not be placed in a position to control two votes in the commission. Moreover, Martin clearly owed his election in 1918 to the more conservative portion of the electorate. His course in supporting the municipal coal yard and the lighting bonds lost him much of that support in 1919 and gave color to the suggestion that he was too prone to follow Dr. Upjohn who was a leader in both of those movements. In the opinion of the writer this attitude was not entirely fair to either Dr. Upjohn or Mr. Martin. On the other hand it must be admitted that Martin's record on the commission did not entitle him to re-election at the hands of those who were opposed to the expansion of municipal activities.

The defeat of Shakespeare calls for a different explanation. In many respects he is the most interesting figure in a city which, for its size, can probably boast more interesting figures than any in the United States. No man in Kalamazoo has so consistently fought for advanced ideas in the government of the city or given as much time to its interests. Manufacturer, employer, radical in his economic thinking, honestly trying to apply his theories in the conduct of his own business, a dreamer striving to translate dreams into facts, unselfish to a fault, fearless in fighting for what he believes to be the public good, gentlest and most lovable of men—such is William Shakespeare, Jr. And yet it was a logical result of the situation last November that, of the commissioners seeking re-election, Shakespeare should have received the smallest number of first-choice votes and should ultimately have been defeated. In spite of his advanced views, his position as a manufacturer and employer did not precisely qualify him as a representative of labor. Talbot and Dr. Butler were regarded as more nearly fulfilling the requirements in that respect. His record on the commission and his well-known views made it impossible to class him as a moderate and lost him the support of the employing class and of conservatives in general.

The election of Alexander Velleman is worthy of special comment. He is a merchant of liberal tendencies and was one of the candidates endorsed by Truxton Talbot in 1918. At the last election he stood as an independent. Had he been a member of the commission in 1918–19, he would, undoubtedly, have voted to establish the coal yard and for the issuance of the lighting bonds. But in the campaign last autumn he steered clear of these issues, announced a program of his own and kept himself and it before the public by newspaper advertising. No other candidate, with the possible exception of Talbot, made a strong individual campaign. The commissioners standing for re-election took the position that their record was their platform and was, therefore, sufficiently known to the voters. They even placed the city manager in the indefensible position of conducting the campaign for the lighting bonds which they proposed to issue. Under these circumstances the individuality of Velleman stood out sharply and at least one part of his platform made a strong popular appeal. As a result he shared with Dr. Upjohn the honor of being elected by first-choice votes.

REASONS FOR THE LIGHT VOTE

The election brought out a disappointingly light vote, only 5,997 ballots being cast. The total possible registration, including women, would probably reach 20,000. The opponents of proportional representation charged that the light vote was the result of the system of voting. Even the *Gazette*, which has been mildly friendly to proportional representation, said in commenting on the small vote:

> The chief reason, undoubtedly, is the determination on the part of a very large part of the electorate not to try and understand the proportional representation system of elections and to refrain from voting as long as that system is provided by the city charter. That is foolish, of course, but nevertheless a very patent fact and one that the community must face. . . . There is no question in our minds of the superiority of proportional representation over the old system of partisan ward elections. Its superiority, however, amounts to naught if the electors will not make use of it to express themselves; if the mass of the electors stay at home rather than take the trouble of discovering for themselves how it may be used. Our candid opinion after yesterday's election . . . is that so far as Kalamazoo is concerned, proportional representation is a failure. We base this

opinion mainly upon the fact that it repelled instead of attracted the voters to the polls.[1]

This editorial opinion of the one daily paper published in Kalamazoo is cited because it is the strongest possible statement of the local case against proportional representation. However, from its broad conclusions a careful observer will find much to dissent. In the first place there is no tangible evidence that the light vote in Kalamazoo was due chiefly to the system of voting. The estimated registration of something over 20,000 included women, who were to participate for the first time in a municipal election. As might have been expected the women voted in very much smaller numbers than the men, thus greatly increasing the margin between the potential and the actual vote. Moreover, there was no active effort to get out the vote such as we have come to expect in American elections. The inclement weather of election day also, doubtless, had some effect on the voting. Finally, there is evidence that in other Michigan cities the vote was correspondingly light under entirely different systems of election. In Jackson, somewhat larger than Kalamazoo, and with a correspondingly larger potential vote, only 8,628 ballots were cast for mayor although there was a hot campaign for the election of mayor and commissioners and a special effort was made to get the voters to the polls. It is an interesting fact that some persons in Jackson charged the light vote to the election of commissioners at large rather than by wards. In Flint, which claims to be twice the size of Kalamazoo, only 3,313 votes were cast on the question of adopting a new charter.

The fact is that an unusual degree of indifference to civic duties is now characteristic of the American people as a whole caused, no doubt, by reaction from the emotional strain of the war. Practical politicians and other acute observers have noted this condition the country over, and to it is probably due in some measure the light votes in many places. At any rate there never was a time when one should be more cautious in claiming that any particular system of voting keeps electors from the polls.

THE COUNT

Out of the total 5,997 ballots cast in the last Kalamazoo election, 273 were invalid, or approximately 4.5 per cent. This was a somewhat higher percentage of invalid ballots than at the election in April, 1918. The cause of the invalidity was the same in a great majority of the cases—the use of crosses in indicating a choice of candidates instead of figures. Strangely enough, it now appears that the greatest practical difficulty which voters have in learning to use the Hare ballot lies in overcoming the habit of marking ballots with crosses. Ever since the so-called Australian ballot was introduced in this country we have been indicating our choice of candidates by marking crosses opposite their names. The Hare system of proportional representation requires the use of figures instead of crosses. One method is really just as easy to use as the other, but we have so long been accustomed to crosses that the change to figures temporarily confuses some of the voters. Precisely the same sort of bewilderment took possession of a portion of the electorate when the change was made from party-printed ballots to the Australian system thirty or forty years ago. At that time party leaders were so impressed with the difficulties of the new device that voters were sometimes assembled in groups and drilled in the marking of their ballots.

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[1] *Kalamazoo Gazette*, November 5, 1919.

With 5,724 valid ballots and seven places to be filled, the quota was 716. The first-choice votes of two candidates exceeded the quota, Dr. Upjohn receiving 963 and Mr. Velleman 801. The next ten candidates stood in the following order of first-choice votes: Butler, Talbot, Ten Busschen, Myers, Sergeant, Fox, Martin, Inch, Todd, VanderHorst. The first six candidates in number of first choice votes were elected and the seventh place went to Todd who stood eleventh on the list. As a member of the commission the work of Todd had been efficient and thoroughly satisfactory. The small number of first choices which he received was apparently due to the expectation of a large majority of the voters that his re-election was a matter of course. As a result many who desired his re-election marked their ballots with a first-choice for candidates whom they favored, but whose success did not seem so well assured, and gave Todd a later choice. The result was a splendid vindication of the logic and accuracy of the Hare system. With each successive transfer of votes Todd steadily gained, his greatest increment coming from the surplus votes of Dr. Upjohn and from those of Martin when that candidate was declared defeated and dropped.

Again as in April, 1918, the work of the central counting board was excellently done. The board was considerably delayed owing to the failure of one precinct to send in its ballots promptly. The actual count and transfer began at half past twelve Tuesday night and was completed by seven-thirty Wednesday morning, consuming in all about seven hours. The board was at all times master of the situation and the work was done without hurry or confusion. After this second demonstration in Kalamazoo, reinforced by the experience of other cities, the answer to the question of the possibility of counting and transferring the Hare ballot in an actual election is conclusive. It can be done readily and within a reasonable time.

What of the commission chosen in November as compared with the one which it succeeded? It has already been stated that six of the outgoing commissioners were candidates and that four were re-elected. The one commissioner who did not seek re-election is a man of unusual ability, and it is doubtful whether any of the new men are equal to him in that particular. For all that the new commission is a very able one—so able, in fact, that most American cities would consider themselves fortunate if they had a governing body as capable. As regards its representative character the new commission is probably slightly superior to its predecessor. To use the words of the *Gazette*, "the new commission is thoroughly representative of that portion of the electorate which did its duty and went to the polls."

THE LEGAL ATTACK ON PROPORTIONAL REPRESENTATION

Even before the campaign last November a *quo warranto* suit had been instituted against the then commissioners upon the ground that proportional representation is not permissible under the constitution of Michigan. The particular provisions of the constitution which the system is alleged to contravene are Section 1 of Article III which reads, "In all elections, every inhabitant of this state . . . shall be an elector and entitled to vote," and Section 25 of Article VIII, providing that "no city or village shall have power to abridge the right of elective

ELECTION OF COMMISSION

RESULT SHEET NUMBER TO

Name of Candidate	Total First Choice Ballots	Transfer of Surplus Upjohn	Transfer of Surplus Velleman	Result	Transfer of Scott Ballots	Result	Transfer of Van Worden Ballots	Result	Transfer of Smith Ballots	Result	Transfer of Van Broeke Ballots	Result	Transfer of Aukerman Ballots	Result	Transfer of Hallett Ballots	Result
H. T. Aukerman	29	1	0	30	1	31	2	33	1	34	3	37	–37	D		
Paul T. Butler	607	43	17	667		667	5	672	1	673	2	675	4	479	5	684
Fred Currier	125	5	2	132		132		132	1	133	1	134	3	137	3	140
E. M. Curry	59	1	1	61	3	64	1	65	4	69	3	72	13	85		85
Frances E. Deal	75	5	1	81		81		81		81		81		81	1	82
C. Allen Fox	259	8	2	259		269		269		269		269		269	2	271
F. A. Gallagher	102	2	2	106		106		106		106	4	110	5	115	1	116
Wm. B. Hallett	35	3	1	39		39		39	1	40		40	1	41	–41	D
Florence E. Inch	211	16	4	231		231		231		231		231		231	2	233
Carl L. Larsen	39	1	2	42		42		42		42	2	44	6	50		50
Geo. E. Martin	228	28	2	258		258		258		258		258		258	5	263
C. Rhuel Myers	291	17	2	310		310		310		310		310		310	2	312
Leslie G. Scott	11	0	0	11	–11	D										
E. M. Sergeant	275	4	7	286	2	288		288		288		288		288	1	289
Wm. Shakespeare	181	22	6	209	2	211	2	213	2	215	3	218		218	3	221
Alfred R. Smith	20	0	0	20	3	23		23	–23	D						
Truxton Talbot	504	12	10	526		526	2	528	5	533	6	539	5	544	8	552
A. Ten Busschen	483	10	9	502		502		502	2	504	2	506		506		506
Albert J. Todd	194	54	3	251		251		251	1	252		252		252	3	255
Wm. E. Upjohn	**963**	–247		**716**		**716**		**716**		**716**		**716**		**716**		**716**
Guy Van Broeke	30	1	0	31		31		31	2	33	–33	D				
H. L. Vander Horst	190	13	13	216		216		216	1	217	2	219		219	2	221
Jerry Van Worden	12	1	1	14		14	–14	D								
Alex Velleman	**801**		–85	**716**		**716**		**716**		**716**		**716**		**716**		**716**
Non-transferable Ballots							2	2	2	4	5	9		9	3	12
Total Valid Ballots	5724	247	85	5724	11	5724	14	5724	23	5724	33	5724	37	5724	41	5724

franchise." That there is anything in this language precluding that use of proportional representation in a municipal election it would be difficult to see. In 1890 the supreme court declared unconstitutional an act of the legislature which provided a system of cumulative voting for the election, from certain counties, of members of the lower house of the state legislature.[1] That case is clearly distinguishable, both as to the question involved and as to its reasoning, from the present case involving the election provisions of the Kalamazoo charter.

The judge in the circuit court of Kalamazoo county, before whom the case was argued, handed down an opinion on January 3 holding the Hare system as provided in the Kalamazoo charter unconstitutional. In the mind of the judge the conclusive argument seemed to be that, under the Hare system, the ballot of any voter would only be counted for one candidate though several choices might be expressed and seven commissioners were to be chosen from the city at large. To quote his language, "Does the provision of our constitution give to the elector the right to vote for every officer elected within the district he is chosen from? I believe it does. . . . This is, in my judgment, the holding of our supreme court in the Maynard case though it may be considered dictum. . . . An elector cannot under this system vote for more than one officer, even though he votes for as many choices as there are candidates, because by the method of counting votes his ballot counts for but one candidate. It may be that this system does give both a majority

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[1] *Maynard* v. *The Board of Canvassers*, 84 Michigan, 238.

Kalamazoo, Mich. Nov. 4, 1919 No. of Valid Ballots 5724

BE ELECTED 7 Quota 716

Transfer of Larsen Ballots	Result	Transfer of Deal Ballots	Result	Transfer of Curry Ballots	Result	Transfer of Gallagher Ballots	Result	Transfer of Currier Ballots	Result	Transfer of Vander Horst Ballots	Result	Transfer of Shakespeare Ballots	Result	Transfer of Inch Ballots	Result	Transfer of Fox Ballots	Result	Transfer of Martin Ballots	Result	
7	691	7	698	12	710	6	**716**		**716**		**716**		**716**		**716**		**716**		**716**	**Elected**
2	142	1	143	5	148	8	156	−156	D											
13	98		98	−98	D															
	82	−82	D																	
	271	20	291	2	293	2	295	5	300	24	324	2	326	26	352	−352	D			
	116	1	117	10	127	−127	D													
3	236	27	263	1	264	7	271	12	283	11	294	21	315	−315	D					
−50	D																			
4	267	2	269	1	270	9	279	12	291	10	301	26	327	52	379	53	432	−432	D	
2	314	6	320		320	13	333	12	345	11	356	27	383	60	443	40	483	112	595	Elected
1	290	5	295	1	296	2	298	6	304	45	349	8	537	38	395	130	525	54	579	D
3	224	1	225	4	229	10	239	8	247	3	250	−250	D							
6	558		558	22	580	46	626	40	666	7	673	43	**716**		**716**		**716**		**716**	**Elected**
1	507	5	512		512	9	521	14	535	86	621	15	636	13	649	67	**716**		**716**	**Elected**
4	259	3	262	1	263	5	268	9	277	20	297	69	366	74	440	37	477	174	651	Elected
	716		**716**		**716**		**716**		**716**		**716**		**716**		**716**		**716**		**716**	**Elected**
	221	4	225	1	226	1	227	12	239	−239	D									
	716		**716**		**716**		**716**		**716**		**716**		**716**		**716**		**716**		**716**	**Elected**
4	16		16	38	54	9	63	26	89	22	111	39	150	52	202	25	227	92	319	
50	5724	82	5724	98	5724	127	5724	156	5724	239	5724	250	5724	315	5724	352	5724	432	5724	

and minority representation on the city commission, and perhaps is a much improved system of voting, but I do not think that under our present constitution it can be upheld."

Apparently it availed nothing, so far as the learned judge was concerned, that in rendering this decision he was obliged to read the word "district" into the constitution of the state along with several other ideas surely not there expressed. He admitted that it would be valid to divide the city into seven wards, each electing one commissioner, though that system might even defeat the will of a majority of the electors. He could comprehend a constituency marked out by geographical lines and electing one commissioner but he could not grasp the idea of a constituency based on a community of opinion electing a commissioner. In other words his decision was to the effect that a geographical constituency is the only kind permissible under the Michigan constitution.

This case will, doubtless, be appealed to the state supreme court. But in the meantime the city is considerably handicapped by the possibility that it is operating under only a *de facto* government. Already it has begun to curtail its financial operations in order to avoid legal complications. This inconvenience, together with the possibility that a decision cannot be had from the supreme court for at least six months, will doubtless be used as an argument for abandoning proportional representation by an immediate amendment of the charter. It is to be hoped that the people of Kalamazoo will not yield to any such suggestion. They owe it to other cities of the state as well as to themselves to secure a decision from their highest state court as to whether proportional representation is permissible under the present state constitution. Whatever the final outcome, Kalamazoo will have given a valuable and satisfactory demonstration of the soundness and practicability of the Hare system of proportional representation.

ONE LESSON

There is one lesson from the experience with proportional representation in Kalamazoo, and particularly from the attacks against it there, which believers in the system should take to heart. Unfortunately their attitude so far has been that typical of reformers. Having written their reform into law they have straightway forgotten that the electorate needs education in the use of the new instrument and that the change to be secure must be buttressed by informed public opinion. This is desirable in the case of all reforms; it is particularly important in the case of proportional representation. For here is no ordinary change in political method, but a fundamental alteration in the conception and practice of representation hitherto prevailing in this country. It necessitates adjustments in political thinking and habits. It upsets the system of control laboriously built up by political managers and manipulators. It throws down the gauntlet to political intolerance which rises to fight it as a deadly enemy. The method of marking and counting ballots which it introduces is new and strange and, therefore, particularly subject to misunderstanding and misrepresentation. Thus proportional representation not only has to overcome that political inertia which is always an obstacle to change but inevitably raises against itself an unusual weight of prejudice, stupidity and selfishness.

The lesson to be learned is that education in the meaning and use of proportional representation should not only precede its adoption but should continue for some time thereafter. The opponents of the system do not retire from the field with their initial defeat at the polls. They were vociferously active during the last campaign in Kalamazoo. Their charges were in nearly every instance unsound, absurd and even unfair. Nevertheless, they made an impression because no one answered them. There was not even a systematic effort to call the attention of the voters to the manner in which the ballot should be marked. On the Sunday before the election the *Gazette* carried an editorial explaining how to mark the ballot for commissioners. That represented the whole of the instruction that the voters received before the election.

HOW COMMISSION GOVERNMENT WORKS IN BUFFALO

BY GEORGE S. BUCK

Mayor of Buffalo

Buffalo is the largest city that has tried the commission plan and Mayor Buck's experiences, painstakingly detailed at our request, illustrate both the strength and the weakness of the charter. :: ::

In November, 1914, the people of Buffalo adopted the commission form of government by a very large majority. By the terms of our charter the mayor is made the commissioner of public safety and the departments of police, fire and health are given to him, while the remaining city departments are assigned to four other commissioners by vote of the city council. The nominations are made in a non-partisan primary three weeks before election. There may be any number of candidates in the primary, but after the primary there are only twice as many candidates as there are vacancies to be filled, and these candidates are chosen from those having the largest number of votes in the primary.

RESPONSIBLE AND SENSITIVE

Under our charter there is no difficulty in placing praise or blame. Each commissioner is responsible for the work of his department. The council can act with great speed if necessary; at the same time there is no danger of anything undesirable going through without opportunity for public discussion. The charter will not permit any action affecting a material right of the public unless the resolution by which it is to be accomplished shall lie on the table for thirty days. During that period a petition may be filed requiring the council to rescind its action or, if it does not do so, to submit the matter in question to a referendum. During the four years that our charter has been in operation the right to appeal to a referendum has been put into effect on one occasion only, when an appeal was taken to the people from the decision of the city council to give the street railway company a six-cent fare during the period of the war and six months thereafter. While this public veto over any proposed action of the council is no doubt both wise and necessary, the members of the council are very sensitive to public opinion and, whenever any proposition is brought forward to which opposition develops, the council has always shown a disposition to give ample opportunity for the opposition to be heard. There never has been the slightest disposition to try to jam any action through without deliberation and consideration of the contrary points of view. It is an easy matter for opposition to make itself heard, because the entire council attends every hearing. It sits as a legislative body every Wednesday afternoon and as a committee on every Friday afternoon. Public hearings are given at the committee meetings and only on exceptional occasions are any hearings given at the council meetings. A citizen need attend but one hearing in order to make his views known to the council.

QUICK WORK

Let me give an example of what the council can do in an emergency. The health commissioner asked for a conference with its members at the time of the influenza epidemic. He met with the commissioners at ten o'clock on Friday morning, pointed out the seriousness of the situation and explained the need of an additional hospital. He asked for the use of an old high school to be converted into a temporary one. He was told to go ahead and that the commissioners would back him in every way, including the necessary appropriation. By eleven o'clock of that same morning employes from the department of public works and the department of parks and public buildings were at work converting the high school into a temporary hospital. At four o'clock on Saturday afternoon, or within thirty hours from the time that the head of the department of health went into conference with the council, the first influenza patient was taken into the temporary hospital.

A distinct advantage of the commission form of government is that it combines in the council both the legislative and executive powers. If any one of the commissioners requires an amendment to the ordinances—which is but the name for the municipal laws—for the proper conduct of his department, he submits the ordinance which he desires to the council. He explains the necessity for its enactment, defends it against criticism and votes in favor of its passage. If an appropriation is needed the same course is followed. The head of the department has the right to explain and defend before his fellow legislators the necessity of any legislative action affecting his department. This is an immense aid in the executive work of any department. From my experience with our city government there is no doubt in my mind that for efficient, prompt, and responsible government there is nothing better than a combination of legislative and executive authority. All British democracies in their parliaments have this combination of legislative and executive authority vested in the same men, and the success of commission government will do much to demonstrate to the American public that there is no danger, and many advantages, in the union of executive and legislative power.

NO RECALL

There is no provision for a recall in our charter and I am glad that there is not. It is impossible for an executive to do his duty, according to his best judgment, with courage and energy without offending many people, and in almost any crisis a large element will not agree with the course which he takes. The result is that the recall would simply tend to keep an executive in constant dread of a campaign. It paralyzes vigorous action and promotes continual political turmoil.

DEVELOPING THE SOURCE OF REVENUE

Our commissioners are quite willing to spend money to bring about improvements in the conduct of any department. For example, soon after the new government took office it appropriated nearly $60,000 to install a better and more scientific method of assessment. As a result of this work, in four years' time, $177,000,000 has been added to the total assessed value of real estate. This has increased the borrowing capacity of the city. It has inflicted hardship on no one because the assessments are now based on actual and careful measurements and surveys and thus are impartial. It has made it possible for the city to have the best of credit during the period of the war. This was a time when many cities suffered distinct financial distress, but Buffalo has been in an easy and comfortable position. It is safe to say that if the war had not upset economic conditions our city government would have been able to show a very remarkable reduction in the tax rate.

Buffalo's assessors are nominated by the mayor and confirmed by the council and serve during good behavior. It is a great improvement over the elective method. No taxpayer seeking concessions can threaten reprisal at the end of an assessor's term for failure to be a good fellow. The assessors know that as long as they do their duty they are safe, because no commissioner would dare move for the dismissal of any one of them without good cause.

THE PRESSURE ON THE MAYOR

The pressure of public business upon the mayor of a commission-governed city of 500,000 inhabitants is very heavy. The council must hold sessions which occupy at least two afternoons of every week. It also meets as a board of trustees for the school, police and fire department pension funds. These meetings often involve hearings. Then there are special hearings from time to time upon matters of importance. There are about 1,800 men in the police and fire departments and all trials for violations of the rules of these departments must be heard by the mayor or members of the council whom he may designate, but through a subdivision of the business of our council through its own members, as a matter of fact, the mayor sits in all of the trials and reports his finding to the other members of the council. There are nearly 2,300 employes directly under the mayor and where there are so many there are constantly a number of new appointments to be made. There are changes from one position to another. There are many people who wish to see the mayor in behalf of friends who are affected by these changes. There are questions of city policy about which citizens wish to talk to the mayor. There are contracts to be looked into for the purchase of supplies. There are policies to be determined and settled in the police, health and fire departments, and also large questions affecting the city as a whole which require careful consideration. There are distinguished guests visiting the city who are to be received and there are many conventions to be welcomed to the city. There are banquets and social occasions of various kinds which the mayor is expected to attend. In addition to these matters there are a host of citizens who feel that the mayor is their last resource and that he should be accessible to them at all times. When in doubt what to do they wish to consult the mayor. It has been necessary for me to take the number of my residential telephone out of the book in order to have any peace and quiet at home.

Buffalo's old charter provided a federal form of government. The board of aldermen was composed of men elected from small wards. It happened from time to time that representatives were chosen to that board who had so strong a personal following in their districts that they were immune to the pressure of public opinion in the rest of the city. They were elected again and again and became very influential in the city government. They were men of a type who would have been rejected by the city at large if the opportunity were offered. These men were a medium for the expression of certain malign forces in the life of every community which are bound to make themselves felt, whatever may be the form of local government. But these forces find it much more difficult to make themselves a factor under the commission charter, because the commissioners are men of a different type from the aldermen and are extremely sensitive to the public opinion of the city. They are loath to antagonize the press, so that under normal conditions the influence exercised by it is out of proportion to its stake in the community. It happens at times, however, that the press does not represent popular opinion and this is particularly true before an election when the candidates are able to go before the people who form their judgments independently of the press. A striking illustration of this was given this fall, when the candidate who was opposed by all the daily papers received the highest number of votes, and again when an increased rate of fare for the street-car company was supported by the press, but was defeated in the referendum by a five-to-one vote.

During the twenty-two months preceding the last election there were three members of the city council who generally stood in opposition to the mayor, and one other councilman, on important questions of city policy. These three men were responsible for the course which the city government took. Two of them were candidates for re-election. Only one of them was successful, and of the other candidates, the two who promised most explicitly to support the policies advocated by the mayor were elected. While there were other factors in the campaign this appears to me to be an endorsement of what the mayor, and the councilman who stood with him, tried to do.

A CONFUSION OF AUTHORITY

The fact that there were three councilmen generally opposed to the mayor had a far-reaching effect in the management of the police and fire departments, which are under the direction of the mayor. Under the old charter the discipline of these departments rested with the fire commissioners and the police commissioners, who were appointed by and responsible to the mayor. In an effort to reduce the number of boards and simplify the city government the present charter vests the duties of the former police and fire commissioners in the city council. The well-known fact that there were three commissioners hostile to the mayor created a feeling in the police and fire departments that the thing to do was to appeal to the council from the decisions of the mayor, and as the council overruled the decisions of the mayor in several important cases, the effect was bad upon the discipline of those departments. As the majority of the new council will now probably be friendly to the mayor in these matters, this situation will right itself. Nevertheless, the police and fire departments are semi-military organizations for which the mayor is responsible under the charter, so that it should give the mayor the right to discipline them, and the men should have the right of appeal to the courts from his decisions, to be protected from a mayor who might attempt to make political removals.

THE NET RESULT

I am convinced that the commission form of government is a very great step in advance in solving the problem of how to attain successful municipal government. The men elected from the city at large are more representative of the citizens and their ideals and aspirations than are a body of men chosen from small wards. Under our commission charter, unless a man is well known and a reputable citizen, he cannot possibly be chosen to have a part in the city government. Under the system of ward representation a man may become very influential and yet be of such a character that the city as a whole would reject him at once if the opportunity were presented. The small city council can act quickly; nevertheless, it is so sensitive to public opinion that it will not abuse its power to do so. The combination of legislative and executive authority makes for efficiency and ease in administration. The individual citizen can quickly and at a single hearing bring his views before the council. Responsibility is clear and the citizen has no difficulty in deciding who is to blame for any feature of the administration of the city which does not meet with his approval. Taking all these considerations together there is no doubt, from Buffalo's experience, that commission government is a long step in advance in the solution of the difficult problem of successful administration of the affairs of American cities. Probably the details of the form in which it now exists will be improved upon as experience shows where changes can be made to advantage, but I believe the general principles involved have come to stay.

BUSINESS SESSION OF THE NATIONAL MUNICIPAL LEAGUE

At Cleveland, Ohio, December 29, 1919

The business session of the twenty-fifth annual meeting of the National Municipal League was held in connection with a dinner and smoker, at the Hotel Statler, Cleveland, Ohio, December 29, 1919, at 7 p.m.

Between the dinner and the convening of the business session, Mr. Lawson Purdy, president of the League, referred feelingly to the retirement of Mr. Clinton Rogers Woodruff after twenty-five years' service as secretary of the League. Mr. Purdy took this occasion to present to Mr. Woodruff, on behalf of members of the National Municipal League, a silver humidor bearing the following inscription:

> As every institution is but the lengthened shadow of a man so the *National Municipal League* hereby gratefully acknowledges that it is but another name for
>
> Clinton Rogers Woodruff
>
> who has been for twenty-five years its devoted secretary, its organizing genius, its motive force, its guiding spirit.
>
> He found the *National Municipal League* a mere project; he leaves it the central force of American civics. He found municipal reform a feeble aspiration; he leaves it the foremost achievement of modern democracy.
>
> In grateful testimony whereof, this token is presented by the *National Municipal League* at its annual meeting in Cleveland, Ohio, December 29, 1919.

The business session of the League having been called to order by the president, the treasurer, Mr. Raymond V. Ingersoll, presented the treasurer's report, which was referred to the auditors for the usual action.

Mr. Ingersoll, presenting the report of the nominating committee, announced that the Hon. Charles E. Hughes, formerly justice of the United States supreme court, had consented to have his name placed in nomination for the presidency of the League, and Mr. Frank A. Vanderlip, formerly assistant secretary of the treasury of the United States, for the treasurership of the League.

The committee recommended the election of Mr. Clinton Rogers Woodruff as honorary secretary. Nominations were also made for vice-presidents and members of the council.

In recommending Judge Hughes and Mr. Vanderlip for officers of the League, Mr. Ingersoll expressed the opinion that the securing of two men with such great ability and reputation ought greatly to increase the possibilities of the League for valuable work.

Judge Hughes, Mr. Ingersoll pointed out, has an unusual grasp of local, state and national public affairs. His familiarity with state government will be particularly valuable at a time when the League is properly turning its attention to that subject. He is devoting more and more of his time to public questions and will unquestionably take a very active interest in developing the League along sound and effective lines.

Mr. Vanderlip, Mr. Ingersoll stated, has not only had very broad experience as a banker, but has held public office in two national administrations and has always kept closely in touch with important public questions. In his recent book, "What Happened to Europe," Mr. Vanderlip expressed a profound sense of the necessity for securing better standards of government in this country.

In recommending that Mr. Woodruff be made honorary secretary, Mr. Ingersoll said the committee had in mind that this would be an appropriate way of showing appreciation for the exceptional work which he has done for the past twenty-five years in building up the League, and would also keep for the benefit of the organization the prestige in municipal matters which goes with Mr. Woodruff's name.

Upon motion, the secretary cast a ballot for the nominees for officers and members of the council as presented by the committee, and they were thereupon declared elected. (A list of the officers and members of the new council will be found on the fourth cover page of this issue of the NATIONAL MUNICIPAL REVIEW.)

The election of a secretary was referred to the council with power to act.

The amendments to the constitution of the League, reported by Mr. L. D. Upson, were considered seriatim. The constitution as amended and adopted will be published in the March issue of the NATIONAL MUNICIPAL REVIEW.

On motion of Mr. Mayo Fesler it was resolved "that the members here present desire that the name of the League shall be changed to conform with the first object as set forth in the first paragraph of Article II, and that the matter be referred to the council, with the request that it report at the next meeting its recommendations, with the form to be adopted, as an amendment to the constitution."

Following discussion of a more suitable name for the NATIONAL MUNICIPAL REVIEW the council was authorized to make such change as it may see fit at any time previous to the next annual meeting of the League.

After being favored by Mr. Judson King and Prof. A. R. Hatton with a description of the operation of the nonpartisan league of North Dakota, the meeting adjourned.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Organized Efforts for the Improvement of Methods of Administration in the United States. By G. A. Weber. New York: D. Appleton and Company. For the Institute for Government Research. Pp. 391.

This book is a recognition of the increasing technical character of government, and is a description of the public and private efforts to make governmental processes effective. In particular the writer deals with governmental research and legislative reference which is concerned with the technique of administration rather than with the larger problems of politics.

For the national government, Mr. Weber traces the examination and improvement of administrative machinery from the earliest congressional inquiries through the current efforts of the United States bureau of efficiency (official) and the institute for government research (citizen).

In the field of state government there is a discussion of the several temporary state commissions on economy, efficiency, and reorganization, official boards of administrative control, and a few permanent citizen organizations working to the same end. Supplementing this is a description of the services rendered by official legislative reference and bill drafting agencies.

In the local field—municipal and county—the author enumerates the organizations and some of the results obtained by both official and privately supported bureaus of research.

The volume is intended as a reference book, and does not purpose a discussion of the theory of improving administrative methods, nor to any great extent the results accomplished. As a reference book the minor short-comings,—almost entirely in the field of local government—are relatively unimportant. Many reference books suffer from obsolescence as they come from the publisher, and undoubtedly the war and industrial disturbances delayed the presentation of this material. A number of recent county and city agencies are omitted, and data relating to certain agencies indicate the status of 1916. One agency in the national field, organized in 1915,—the Institute for Public Service—is omitted. On the whole, painstaking care has been expended, and the book will be valuable to both the official and citizen concerned in getting more effective government.

In addition to its primary purpose of reference, the volume is also a measure of the distance that one important movement for better government has come. For this latter service it is unfortunate that the material could not have been revised in 1919 that it might have more truly reflected the importance of the efficiency movement, particularly in cities and counties where development has been rapid.

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New Towns After the War. An Argument for Garden Cities. London: J. M. Dent & Sons, Ltd. Pg. 84.

An attractive pamphlet summarizing the objections to haphazard city construction, indicating the advantage to be expected from intelligent town planning, and painting in glowing colors the splendid possibilities of after-war urban developments in Great Britain, has been published under the above title. It seems to take for granted what so many authorities on housing conditions in England now proclaim, that the state, working through local authorities, is to be the sole house-landlord of the future and that while present private owners of housing property in England will continue as landlords until their houses are worn out, their lot will be quite unenviable and that they will undertake no new construction. This would constitute a very long step in the direction of state Socialism. A large proportion of the buildings erected by the government will be rented at figures which mean a net loss to the state, and as the state is, after all, only the associated people, somebody must pay in increased taxes for uneconomic rents. New towns are to be created. The program starts out with the cry, "Build a hundred garden cities!" It even proposes that town authorities build model factories to be let on rental. The suggestion vaguely appears that the increased value of sites shall be utilized for the public good, but the question which has so far stared all such projects in the face, namely, where to put these model cities and how to find sites for them which will not cost so much that the future of the new community is mortgaged indefinitely, is not even discussed. The price of land in England has advanced enormously since the war. The owners of available sites are aware that hundreds of public authorities are coming into the market bidding for their land. They are informed by pamphlets like this that a million houses must be built within the next five years. In estimating the price to be paid for land the present owner is permitted to demand a price based on its possible future use. It requires little imagination to anticipate what the effect on land prices will be. As there is no relation in England, such as exists, however imperfectly, in America, between assessment of land for purposes of taxation and the selling price of land, one may predict that the result of such a scheme as is here proposed, would be to greatly enhance the fortunes of present owners of the land. Up to the present, the failure of the project is indicated in the most authoritative Journals.

J. J. M.

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THE DECLINE OF ARISTOCRACY IN THE POLITICS OF NEW YORK. By Dixon Ryan Fox. New York: Columbia University; Longmans, Green and Company, agents. 1919. Pp. 460.

Dr. Fox has given us a detailed history of political parties from 1801 to 1840. It strikes one with surprise that he starts his study at so late a date. To the student he would have given the satisfaction of a perfect sequence if he had begun where Dr. Becker left off in his history of the *Political Parties in the Province of New York, 1760–66*. It is true, of course, that the "revolution of 1801" overturned a government of "the rich, the well-born, and the able," and thus affords a starting point for the description of a waning aristocracy. This description is portrayed to us graphically and not without a touch of humor.

The student of municipal history will be interested particularly in a series of twelve diagrams on pp. 433–35. Under a caption "Who Were the Whigs," the author shows the results of elections by wards in the city of New York from 1810 to 1840 wherein we rediscover that the leopard does not readily change his spots.

Dr. Fox has a way of bringing us very near to the personality he is portraying, as when he writes of the delegates to the convention of 1821, and again of the "Albany Regency" of 1823. His footnotes everywhere give evidence of the extensive reading upon which conclusions have been based.

It is possible that the work could have been improved at many points by the use of shorter sentences. Such minor defects should not be overemphasized, however, in a treatise that is so thoroughly satisfying and interesting. The monograph is appropriately illustrated with portraits gathered from unusual as well as authentic engravings or paintings, and it has an admirable index.

A. EVERETT PETERSON.

II. REVIEWS OF REPORTS

Thirty-Fourth Annual Report of the Board of Gas and Electric Light Commissioners of Massachusetts, for the Year 1918.—This report, for the calendar year 1918, covering statistics for the year ending June 30, 1918, is a fat volume of 800 pages, which well maintains the reputation of this, the oldest public utility commission in the United States, and, in fact, in the world. Its chief value consists not so much in the decisions, the year's legislation, and the few pages of general introduction, as in the extensive reports of the various gas and electric companies of the state. No other commission, with the exception of the New York commissions of the first and second districts, presents statistical and financial data in as clear and systematic a manner as does this Massachusetts commission.

There are also some valuable statistics of the four municipal gas plants and the thirty-nine municipal electric light and power plants in the state. But with the exception of the gas plants of Holyoke and Westfield and the electric light plants of Holyoke, Taunton and Chicopee, these plants are too small to be of general interest.

From the data given in this volume it can be computed that the fifty-nine private gas companies increased their sales to private consumers from 18,046,000,000 feet in the year ending June 30, 1917, to 19,530,000,000 during the following year, or over 8 per cent. The revenue from private consumers, and from cities for street lamps and public buildings, increased from 86 cents to 92.4 cents while the profits available for interest, dividends and surplus declined from 26.4 cents to 23.1 cents per thousand feet of sales; but this slight decline still apparently left the companies a profit of 6 per cent or about $4 per thousand feet of annual sales,—a sufficient margin.

The commission wisely urges legislation permitting it to check the companies from impairing their resources by declaring excessive dividends. It does well, also, to recommend that its approval shall be required before contracts are entered into for the purchase or sale of gas and electric light between companies having a common ownership, such as prevails not only in Massachusetts but in New York city and many other places. The commission also recommends that the bonds of the gas, electric and water companies under its charge be disposed of only by tender to the highest bidder.

It is unfortunate that the Pennsylvania public utilities commission has been in existence several years before beginning, as it has just done, to require statistics from its public utilities along the lines of a uniform classification of accounts, and it also is greatly to be regretted that many other state commissions that have been collecting such statistics for a few years do not more closely copy the Massachusetts and New York methods of tabulation. Most commissions are so busy with the immediate adjudication of rate and capitalization cases, or questions of service, and are so poorly sustained financially, that they do not present well-ordered summaries and analyses of the rich data at their command. In many cases they are unaware of the importance of comparative statistics.

Few commissions, also, can boast of such a record as Massachusetts, whose chairman, Mr. Barker, was in continuous service with the board for over thirty years before he passed away two or three years ago, and whose oldest member, General Schaff, has completed over twenty years of valuable service on the board. Among our regulating bodies only the interstate commerce commission can approach such a record.

Since the above review was written, the Massachusetts gas commission has been consolidated with the Massachusetts public service commission, and General Morris Schaff is no longer able to give of his wisdom and long experience to gas affairs in Massachusetts. To those who have admired for many years the work of the Massachusetts gas and electric light commission, the move of Governor Coolidge seems a great mistake for that commission has done a pioneer and wonderful work and has been more consistently and intelligently devoted to the public interest, especially in matters of gas, than most commissions having to do with public utility lighting in other states.

E. W. Bemis.

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Report of the United Railways Committee on Capitalization and Valuation.—The Civic League of St. Louis, December, 1918. There have been five different valuations made of the St. Louis United Railway properties, two in 1911, one in 1916, and two in 1918. The low estimate of 1911, corrected to 1918, is about $40,000,000; the high estimate, 1918, is over $72,500,000. The Civic League committee in discussing different methods and elements of valuation, confines nearly all of its attention to overhead allowances. This is easily understood from the fact that the lowest *base cost*, the "public service commissions' 1911 estimate," with additions to 1918, amounts to about $34,046,242, while the highest estimate amounts to $41,757,292, a difference of $7,771,050. Over $6,500,000 of this difference is "estimated increase in cost of construction since 1911."

In contrast to the difference in base cost between high and low, the overhead allowances for the same corresponding valuations are: for low valuation, 16.4 per cent of *base cost*, or $5,583,583; and for high valuation, 73.8 per cent of *base cost*, or $30,831,849. The difference between high and low "overheads" thus amounts to over $25,000,000. The overhead per cents in the three intermediate valuations are 38.4, 39.6 and 48.6 per cent. The committee recommends 17 per cent as a reasonable allowance for overheads. Honest citizens may well question claims made by the utility interests, their valuation experts and sympathizers, for "overhead" allowances, as well as for some other "values," that are not quite so elastic in their conception or application.

The committee, on the whole, is very liberal in its minimum and maximum values. "The fair value," it holds, "should be limited to a sum not less than $40,950,000, nor greater than $48,850,000."

If the valuation figures are to be used as a basis for purchase by the city, the committee might very well have gone further into the matter of depreciation. Whether for rate making or purchase, valuations have generally not received as heavy depreciation as the circumstances would seem to justify. From 35 to 45 per cent depreciation may be more nearly correct than 15 to 25 per cent for old second-hand utility property.

It may not be amiss to suggest that the most convenient unit for comparison of traction valuations is the aggregate average cost for the entire system, including equipment, reduced to the cost per mile of single track. The fair honest cost for city systems should rarely, if ever, exceed $100,000 per mile of single track. If for a city street railway system, an undepreciated valuation of $70,000 to $80,000 per single track mile is shown, it may well invite close inquiry.

In view of the concerted drive all over the country by the utility interests to establish and legalize inflated valuations, and the fact that public officials are often ignorant of, or indifferent to, the injury which may thus be inflicted on the municipalities, it may of necessity devolve upon the disinterested, selfsacrificing citizens to make the fight for protecting the public interest.

The study shows a laudable spirit on the part of the Civic League and its committee and may well serve as a stimulus in other cities to combat efforts at exploitation.

Charles K. Mohler.

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Community Welfare Law of Indiana.—The community welfare law, recently enacted by the Indiana legislature, creates a "department of public welfare in cities of the first class," giving them "power to receive and manage and control all gifts and bequests not made for any specific purpose and any gifts made for community welfare purposes." This is excellent, in that it creates a responsible board to administer such gifts and bequests as public-spirited citizens wish to make for welfare purposes, and centralizes the control of all such funds.

The mere fact that a city has such a welfare board will invite gifts, as has been proved by the Cleveland foundation, and will probably divert to public funds gifts that might otherwise go to private philanthropic institutions. The length of time of service—four years—will enable the men who serve on the board to "learn their job" and to administer the funds wisely.

The provision that the first members shall be appointed by the mayor will work well or ill, as the mayor does not or does use this office as one of his political "plums." If the first men appointed be of high caliber it is to be expected that the incumbents elected by them will be of the same intelligence and ability, and prestige will be established for the board. However, if a city is politics-ridden, and the mayor appoints his own henchmen, the whole scheme will be of negative value.

The terms of power for the board are broad enough to enable them to go into many varied enterprises for city welfare—the conducting of surveys in fields of health, recreation, housing, etc.; the demonstration of model playgrounds, model dance halls, community centers, and community theaters; the employment of field workers to organize local community councils for discussion and action on community welfare problems; and the assembling of the experience of other cities in all these fields. In fact, with such broad powers, and a membership free from political influence or domination, such a board would become the dominant factor in movements for community welfare.

It is suggested that the board choose its secretary by examination—not necessarily civil service or written examination; that they choose a young man who has made a study of the community movement, that they use him not only as an executive, but leave much to his initiative, and that the board act in an advisory capacity only. Such a method will result not only in immediate benefit to the population of the city, but also in creating new methods, procedure, and technique in community work. This method of administration has been admirably developed in the work of the board of park commissioners of the South Park system in Chicago. This board consists of seven men, appointed by the county judge for a period of six years. It elects its executive officer for an indefinite period, using the advice of the city's experienced social workers in the selection, and gives him a rather free hand in the development of the work of the department. The board has been free from political domination since its inception, and, in contrast to the other park boards of the city, where appointments have been a matter of political preferment, it has accomplished one of the most outstanding pieces of recreation work in the country in the invention and maintenance of magnificent community centers in the small parks. The other park boards of the city have all too tardily imitated their work. The work of the latter boards has been important when the appointees were men of vision and ability even though they were of necessity part of the political machine. It has fallen below the best standards when the appointees have been politicians with no understanding of community problems. The work of the South Park commission, on the contrary, has been one of steady growth from the beginning, of even development, constant innovation and experimentation.

The community welfare law should be amended to include cities of the second class. Too much of the legislation of the Indiana legislature is directed to Indianapolis and the very few other large cities. Few of the most progressive laws are made to apply to cities of the second class so that the state has within its confines such a festering sore, from the standpoint of social conditions, as East Chicago, where every condition of community life is indescribably bad—infected water, no provision for play and no direction or control of community welfare whatsoever. The housing laws, for instance, passed with so much effort and publicity in Indiana several years ago do not apply at all to East Chicago, with the result that housing conditions exist there to-day, and existed during the war, which are not tolerated in the worst slums in our big cities.

The Indiana community welfare law is a step forward in making public policy and in centering control and responsibility for the administration of public funds for community betterment in one group of citizens; but its value will depend entirely on the personnel selected for membership on the Board and on the type of executive officer selected, and the amount of power and responsibility which is delegated to him.

Not only should the provisions of the Indiana law be extended to include the smaller cities, but a clause should be framed to eliminate political control. This could be accomplished by placing appointments in the hands of some other official than the mayor, and by giving the board taxing power, if possible, as has been done for the many park commissions that are doing excellent work throughout the country.

Maria Ward Lambin.[1]

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Financial Statistics of States.—In this report of the federal bureau of statistics there is shown in detail the financial transactions of the 48 states for the year 1918, the assessed valuation of taxable property, and the taxes levied thereon, and their indebtedness and assets at the close of the year. The financial transactions of the states are so analyzed as to show the revenues of the states, and of the more important departments, and the cost of and indebtedness incurred in conducting state business.

Such figures from the report as there might be room to quote here would be so fragmentary as to have only superficial value. A more serious treatment of the report is, perhaps, to emphasize the attention called in the introduction to the antiquated and diverse accounting methods with which the census bureau had to contend in some of the states in the effort to obtain conparative data. There still exist, as the report explains, some states where no modern system of accounting has been installed, where the accounts kept are what are commonly known as cash accounts, or accounts merely of cash receipts and payments. No attempt is made in such states to classify receipts with reference to revenue, nor payments with reference to governmental costs. Furthermore, in most states which have introduced modern accounting systems, no common method of classification has been adopted. In some instances it was necessary for the bureau's agents to classify or reclassify, from original vouchers, the revenues and governmental costs, or receipts and payments, in order to arrive at even approximately comparable results.

Obviously state financing can never be intelligently undertaken on so loose a basis, and a remedy of this fault must precede or go hand in hand with other fiscal reforms. What is greatly needed is a common and scientific classification of revenues and government costs, or of receipts and expenditures, available for adoption in states where improved accounting methods are desired.

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Building East St. Louis for To-morrow is the title of the first annual report of the war civics committee of that city, covering the year ending September 30, 1919. This committee of fifty was organized at the instance of the War Department for the purpose of eliminating adverse living conditions in East St. Louis and creating an environment more favorable to the successful production of war materials. The report details the committee's accomplishments in matters of housing, health, municipal survey, community welfare organizations, cost of living, recreation, racial problems, charities, safety, etc., and also lists in a "debit column" that part of the committee's work which is as yet uncompleted. This work has not ceased with the signing of the armistice as the committee is pledged to three years' work, and will continue its efforts for the improvement of the city.

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[1] Acting Director of Recreation, Community Councils of New York.

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New York State Probation Commission.—The twelfth annual report of this commission, a volume of 576 pages, is a valuable contribution to the subject of penology, and especially to that branch dealing with the probationary system. The report contains much data of use to those concerned in the subject, including not only a record of the commission's work for the year, but also a number of valuable tables, the proceedings of the state conference of probation officers and that of magistrates, and synopses of all statutes relating to probation, juvenile courts, and allied subjects, enacted in the United States during 1918.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Saving a War-Industry City.—Hopewell, the Wonder City of Virginia, developed in the spring of 1915, from a cornfield to a community of some 35,000 people and thousands of shacks and wooden buildings of various kinds, only to be destroyed by a big fire in December of that year. But as is usually the case the fire proved to be a blessing in disguise, for in place of the destroyed shacks appeared modern brick buildings, and the city entered upon a period of wonderful prosperity that was to last for nearly three years.

During this time the great plant of the du Pont Company adjacent to the city was furnishing employment for about 16,000 men at high wages. The city was on a boom; miles of paved streets and sidewalks, hundreds of modern brick buildings and comfortable wooden dwellings, water works, an electric company, four banks, additional wharves and docking facilities, street car service, an interurban electric car line connecting the city with Petersburg, good train service over the Norfolk and Western Railway, and a regular freight and passenger service by the Old Dominion Line and other smaller lines on the James River and the Appomattox River, were among Hopewell's advantages.

All went well until the signing of the Armistice on November 11, 1918, when the coming of peace started the closing down of the local du Pont plant that had for three and a half years made this a prosperous community. Many of the plant's employes moved away, and with the coming of spring the city found itself going through a period of depression, until by the middle of June it seemed to some that the city that had grown up with the large du Pont plant was to die with the death of the big war industry.

But the business men of Hopewell and of Petersburg, closely linked with Hopewell in business relations, were not ready to admit that Hopewell had lived its day. Realizing all the natural advantages and the additional inducements that could be offered by the community, these business men of Hopewell and Petersburg conceived the plan of combining their energies in advertising and developing the two cities and adjacent territory under the name of the Petersburg-Hopewell District, with the idea of making it into a great industrial center. The du Pont Company, with several thousand acres of land adjoining Hopewell, and tremendous power plants and miles of railroad, found that it had more land, power, and railroad facilities than it could use, and became interested in the development of the community in order to gain some return from the large investment.

Carrying out this plan the business men and the du Pont Company raised $100,000 for the purpose of advertising the advantages of this district and of beginning the development, with an additional sum of $15,000 to be used in an agricultural development of the neighboring farming community in order that the cities might be supplied with fresh vegetables and truck and foods of all kinds. The city has reduced its tax rate to $1 on the hundred and is conducting the city affairs on a most economical basis. It is making every inducement possible to new enterprises and prepared to make attractive propositions to any one desiring a location.

Hopewell became a city of the first class on July 1, 1916, by virtue of a charter granted by the general assembly of Virginia. This charter is unique among the cities of Virginia in its simplicity. It provides for a mayor, and a bicameral council composed of a board of aldermen of only three members and a council of only five members, all of whom were elected at large from the city.

The commissioner of revenue and the treasurer perform the duties usually incumbent upon such officers. Other affairs of the city are run by four departments: The engineering department (in charge of the streets and water works), the health and sanitary department, the police department, and the fire department. All department heads are named by the council, and are subject to the council and mayor, to whom they make their reports.

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University of Cincinnati Gives Course on Housing.—With the great increase in interest in housing, not only in the United States, but all over the world, the University of Cincinnati is one of the first to meet the need of a comprehensive course of study on the many phases of this important subject. To meet the demand for information and instruction on housing the new department of industrial medicine and public hygiene at the medical college, in charge of Major Carey McCord, has worked out in co-operation with the Cincinnati better housing league a university course of twenty lectures covering every important phase of the subject from the growth and history of the housing problem to the Garden City Movement, the construction of low-cost houses for wage-earners and housing from the real estate man's point of view.

The course includes lectures by experts from various parts of the country to lecture on the phases of the subject in which they are preeminent. Among the subjects are housing legislation, housing of factories, co-operative housing, etc. Advantage is taken of the fact that Cincinnati has a number of business and professional men and city officials particularly qualified by experience and training to lecture on various topics included in the course.

◆

Progress under the British Housing Act.—In spite of the Housing Act, progress with the actual building of new houses is reported as being very slow. The ministry of health reports that over 4,000 schemes for about 420,000 houses have been submitted, but for various reasons only a small fraction of these are actually in hand. Complaints have been made of delay and undue interference in details by the ministry, but these are repudiated. Looking at the large financial interest the ministry must safeguard, it is perhaps not remarkable that difficulties and differences should arise.

◆

Municipal Loans for Home Building.—An ordinance of the province of the Cape of Good Hope, South Africa, empowers the council of the city of Good Hope to make advances to persons of limited means to provide homes for themselves. This advantage is offered only to those whose incomes do not exceed £360, at least four fifths of which must be derived from actual personal exertion. Such loans must not exceed four fifths of the value of the house and land, nor shall the total loans to any one person be greater than £600. Loans are to be secured by first mortgages bearing 5 per cent interest. A corporation building loan fund may be established for the purpose, subject to the provisions embodied in the ordinance.

◆

Cheap Rents in Lausanne.—The municipal council of Lausanne has received a proposition from the municipality as to a subsidy of 200,000 francs ($38,610), including 85,000 francs ($16,409) already given, to the association "La Maison Ouvriere" ("The Workman House"), which shall construct houses for cheap rent, on the ground which the commune ceded gratuitously to it at Pre d'Ouchy. There will be three houses containing altogether thirty apartments of two and three rooms each and, as a rule, having a garden.

◆

Third-Class Cities in Pennsylvania.—A constitutional amendment proposed by the last legislature of Pennsylvania would, if adopted, empower the legislature to reclassify the cities of the state, the number of classes not to exceed seven. Two attempts of the legislature to change the present number of classes, first from three to five, and later from three to seven, having been held unconstitutional, the proposed amendment is deemed necessary in order to deal more effectually with the problem of legislating for cities of homogeneous classes. Before becoming effective, the amendment must pass another legislature and be approved by the voters of the state.

Other important legislation of the last Pennsylvanian legislature, affecting cities of the third class, included several amendments to the Clark act, namely, one providing for a uniform tax levy in newly incorporated cities to pay the outstanding indebtedness of the various municipal divisions comprehended in the consolidation; another making conclusive the action of the council in annexing a borough, township, or part thereof, to a third-class city, notwithstanding the initiative and referendum provisions of the Clark act; another limiting to expenditures of more than $250 the provision that all purchases of materials and performance of work must be by contract; another, of questionable value, designating license taxes as being for purposes of revenue.

Municipal powers of third-class cities were extended to include the establishment of milk depots; enforcement of market regulations; provision for garbage collection and disposal; regulation of the keeping and slaughtering of animals and fowls when deemed objectionable by the board of health; smoke regulation; municipal boat and bath houses; provision for musical entertainment; regulation of public dance halls; and provision for municipal pensions.

The duties of the city comptroller—a regrettably impotent official in third-class cities under the Clark act—were materially enhanced by new legislation, while, on the other hand, a questionable step was taken in placing rather obscure limitations on the exercise of the initiative and referendum powers granted under the Clark act.

◆

Eldora (Iowa) Plans Community Improvement.—A committee on public improvement appointed by the community club of Eldora, Iowa, has drafted a report containing features of value to other cities and towns striving for civic advancement. Prominent among these is the suggestion for industrial development in keeping with the natural advantages claimed for Eldora. The report calls attention to the substantial sums of money invested by Eldora citizens in outside industrial enterprises, many of them worthless, and recommends that systematic effort be made to direct Eldora investments to home enterprises. To this end it is proposed that local industries needing development be examined by the community club to ascertain their requirements and advantages for the purpose of encouraging home investors in seeking home investments. Similarly it is recommended that efforts be made to organize industrial enterprises which the city's environment indicates as highly desirable and which are now lacking.

Other topics on which the committee reports detailed suggestions include a system of paved highways for the county; parks and public grounds; transportation facilities; public buildings; adjustment of difficulties with the public utility company; better housing; a comprehensive city survey; actual federation of the churches, with a community house as an alternative; a central trustee's fund for public bequests; and a community council for coordinating the work of all existing welfare organizations.

◆

Philadelphia's New Department of Welfare.—Under its recently amended charter[1] Philadelphia has just put into operation the clause creating a new department of welfare. Its chief functions are (1) to administer and supervise all charitable, correctional, and reformatory institutions and agencies (except hospitals) whose control is entrusted to the city; (2) to organize, manage, and supervise playgrounds, recreation centers, floating-baths, bathing grounds, and recreation piers; and (3) to have jurisdiction over such other matters affecting the public welfare as may be provided for by ordinance. While these functions give the welfare department an important rôle in promoting the well-being of the city, yet it lacks many powers common to welfare departments in other cities, particularly in the middle west, such as supervision of public amusements, enforcement of health ordinances, suppression of nuisances, maintenance of free employment and legal aid bureaus, or research, lectures, and publicity along welfare lines.

◆

Municipal Bank Proposed for Bradford, England.—A proposal that the Bradford city corporation apply for a government banking charter is being considered by a committee of the city council. Labor members of the council, from whom the plan (still in its formative stages) emanated, advance the following statement by the chairman of the finance committee in support of the entrance of the city into the banking field:

> Banking is the simplest, safest, and most profitable industry in the Kingdom at the present time. The possibilities of saving money to the ratepayers of Bradford by conducting the finances of the corporation through a corporation bank are very great. Some of our difficulties in obtaining capital and loans for public purposes would tend to disappear. I imagine, also, that if a government charter of banking were granted to us ordinary enterprise from outside would be attracted and would come and bank with us. We should become in time a recognized commercial bank. In round figures the Bradford corporation owes £8,000,000 of borrowed money. On this interest is paid up to the rate of 5 per cent. Some of the older loans are at a lower rate. The relationship between banking and borrowing is very close. We should have the best credit of any individual bank you could think of. Banking requires no capital.
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> The proper course is in my opinion for the government to be the national banker, with the municipalities conducting branches. At the present moment 80 per cent of the banking of this country is conducted by six banks. The banks which conduct the other 20 per cent of

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[1] National Municipal Review, vol. viii, pp. 417 and 454.

business are not numerous, and amalgamations are constantly going on. The number of banks existing to-day is startlingly small, when compared with the number that existed, say, twenty-five years ago. Banking is quickly becoming a great monopoly, and the power of the banks to keep up rates of interest and to hold national credit in pawn is a serious menace.

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A Municipal Foundry.—A new phase of municipal ownership, apparently, is the decision of the city council of Johannesburg, South Africa, to establish a municipal foundry. The plant, to cost £1,000, with an allowance of £100 for contingencies, is expected to deal with all the castings for all the departments of the council, which represent approximately 168 tons of cast-iron per year and 8 tons of brass and phosphor bronze per year. The gas, electricity, and tramways departments have an appreciable amount of scrap iron, as well as scrap copper, brass, phosphor bronze, etc., which has had to be disposed of by the controller of stores and buyer at the best prices offered. With the introduction of a departmental foundry the council expects to be able to use up its own scrap metal.

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State Art Commission Appointed for Pennsylvania.—Under authority of an act of the last legislature Governor Sproul of Pennsylvania has appointed a state art commission of five members whose approval is required for the design and location of all public monuments, memorials, buildings, etc., proposed to be erected anywhere in the state, except in cities of the first and second class.

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Proportional Representation in Canada.—The new premier of Ontario, the Hon. E. C. Drury, has forecast the introduction of proportional representation in the next parliamentary elections of the province. The premier is committed to electoral reform, which is expected to be taken up when the parliament convenes this month.

II. CITY MANAGER NOTES

City Managers' Association Growing.—The city managers' association, founded in December, 1914, at Springfield, Ohio, with but eight city managers in attendance, has now grown to be an organization of some 200 members. This rapid growth is explained in part by the creation of an associate membership a year ago, at the fifth annual meeting, to which anyone sufficiently interested in municipal progress to pay the annual dues of five dollars, is eligible. Entirely aside from this feature, however, is the very marked increase of the interest of the city managers themselves, in the work of the association. Quite logically, perhaps, the society has become a sort of clearing house for city managers, and through its monthly bulletin announces openings in the field. During the past year nearly a score of city-manager positions have been filled through information furnished by the association.

In other ways the society has endeavored to render definite service to its members by furnishing them with the best available literature on the manager plan, including subscriptions to the City Manager Bulletin, the Short Ballot Bulletin and the association year books. This year, through co-operation with the National Municipal League, arrangements have been made whereby each member of the city managers' association has become a subscriber to the National Municipal Review.

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City Manager Promotions and Appointments.—Five more transfers of city managers from one city to another have just been announced. In each case the transfer has constituted a real promotion. The total number of such promotions now stands at thirty, and as the city manager movement gains headway, bringing an increased demand for experienced men, these inevitable promotions will still further upset the theory once advanced that the tenure of the city manager would be for life, or good behavior.

Of the five cases in hand one man advanced to his second city, three to their third and one has received his fourth appointment. J. W. Greer jumps from Byran, Texas, to Tallahassee, Florida, after establishing a notable record.

The three men to tackle their third manager positions are C. A. Bingham, I. R. Ellison and W. M. Cotton. Mr. Bingham served three years at Norwood, Massachusetts, and two years at Waltham, Massachusetts. He has just been appointed at Watertown, New York. During the five years his salary has increased from $3,000 to $7,500. Mr. Ellison goes to Muskegon, Michigan, after seven years service at Eaton Rapids, and Grand Haven, Michigan. Mr. Cotton is a graduate of the city-manager course at the University of Michigan and served as borough manager at Edgeworth and Sewickley, Pennsylvania, before his recent appointment at Ambridge, Pennsylvania.

G. A. Abbott holds the record for transfers. He is now manager at Sanford, Florida, and during the past four years has served as manager of three Michigan towns, Grosse Pointe Shores, Birmingham, and Otsego.

An increase of salary is often quite equivalent to a promotion and certainly constitutes a worthwhile endorsement. A large number of increases were announced for January 1. Perhaps the most conspicuous case is that of Charles E. Ashburner, manager at Norfolk, Virginia, who is now receiving $12,000 per year. Mr. Ashburner was the first city manager in the country and has served three cities, starting at a salary of $2,400.

Harry H. Freeman of Kalamazoo, Michigan, and C. M. Osborn of East Cleveland, Ohio, have both been advanced to the $6,000 class.

Another interesting feature of recent appointments is the tendency of cities to choose a local man trained within the organization, to succeed a resigning city manager. Henry F. Beal follows Mr. Bingham at Waltham. Mr. Beal was previously Waltham's director of public works and city engineer.

The case at Wichita, Kansas, differs somewhat in that the new manager, L. W. Clapp, served as mayor for over two years during the managership of L. R. Ash. A second case in which a former mayor has been selected manager is that of W. B. Anthony, recently appointed manager at Walters, Oklahoma, after serving several years as mayor of a neighboring city.

Other city manager appointments announced since the issue of the City Manager Bulletin for December, 1919, are as follows:

Anaheim, California, O. E. Steward; Pittsburg, California, Randall M. Dorton; Petoskey, Michigan, J. F. Quinn; Ypsilanti, Michigan, T. Fred Older; Sherrill, New York, Lewis W. Morrison; Painesville, Ohio, T. B. Wyman; Sallisaw, Oklahoma, Fred E. Johnston; Rock Hill, South Carolina, E. R. Treverton; Kingsport, Tennessee, F. L. Cloud; Yoakum, Texas, J. E. Lucas; Newburgh, New York, Capt. McKay; Scobey, Montana, Roy N. Stewart; Norman, Oklahoma, W. R. Gates; Santa Barbara, California, Robert R. McGregor.

H. G. Otis.[1]

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William J. Lamb has been appointed city manager at Akron, Ohio. Last November Mr. Lamb was elected mayor of the city, an office he has held before. The city commissioners, however, selected him as the city's chief administrator and transferred him to the city manager's office.

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West Palm Beach, Florida.—Joseph Firth has assumed office as city manager of West Palm Beach, Florida, having resigned as commissioner of public works of Winston-Salem, North Carolina, to accept this position. Mr. Firth will be succeeded in Winston-Salem by Captain Harry L. Shaner, former city manager at Lynchburg, Virginia, but who has been engaged in government work since he entered the services of the War Department at the beginning of the war. Captain Shaner will be assisted by W. F. B. Halensworth, of Greenville, South Carolina.

⁂

City-Manager Plan Suggested for Cleveland.—Our attention having been called to an error in the November issue of the National Municipal Review, whereby the minority report of the committee recommending the city-manager plan for Cleveland, Ohio, was confused with the majority report,[2] we have obtained from Mr. Leyton E. Carter, assistant secretary of the civic league of Cleveland, the subjoined explanation of the two reports:

> Followers of the city-manager idea will take keen interest in the recommendations of the committee of fifteen appointed in 1916 to investigate and report on the city-manager plan of government for Cleveland. The committee in its recent report has agreed that the city-manager idea should be applied to Cleveland; but its members have split into two groups over the question of precisely what plan embodying the

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[1] Secretary, City Managers' Association.

[2] National Municipal Review, vol. viii, p. 780.

city-manager idea should be recommended to the voters.

The majority report or "plan no. 1," signed by ten members of the committee, eliminates the popularly elected chief executive and provides for the appointment of a city manager by the council, which is to be chosen by proportional representation and number from fifteen to twenty-five members, such manager to hold office during the pleasure of the council.

The majority committee "believes that the most fruitful cause of the prevailing distrust in government is the lack of effective administration even more than the unrepresentative character of our legislative bodies." It sees in the majority plan a means for "excluding partizanship from the administrative service of the city." It further believes that the adoption of its plan will result in securing better executives and make for continuity of executive policy. Proportional representation is strongly advocated as a means of making the council "truly representative" and drawing into it "the real leaders of the various important groups and interests of the city."

The minority plan, "plan no. 2," seeks to combine the "advantages of the city-manager plan and the satisfactory features of the present plan." The minority committee of five is not convinced that the straight-out manager plan has been tested by experience in great cosmopolitan cities or that it is wise to apply too closely this "industrial form of government" to city government, which is "an agency of the state to promote opportunity for better life, liberty and happiness of the people, as distinguished from a private industrial corporation existing to extract from its operation large financial returns for its stock-holders." The minority feels that the rôle which the popularly elected mayor plays "as a leader in evolving those major policies which give character to a community" is among the institutions of democratic government which must not be sacrificed. It further feels that the choice of a city manager can more safely be left to the popularly elected mayor than to the council where, it believes, responsibility can easily be shifted about. It therefore recommends as its main "plank" the choice of a city manager by the mayor to serve during his pleasure, or that of each incoming mayor, and to be charged with the administrative work of the city, with control of the several administrative departments centralized in his office.

Only the majority plan has met with any considerable favor to date. A campaign committee has been appointed to take steps to bring this plan to popular vote in the near future.

III POLITICS

Philadelphia's Political Clean-Up.—Monday, January 5, 1920, marking the inauguration of the mayor-elect of Philadelphia, J. Hampton Moore,[1] ushered in what many citizens hope and believe to be a new era in the government of that city.

It is safe to say that none of Mr. Moore's predecessors came into office with quite his opportunity for effective service in the administration of the city's business. For one thing, he has behind him the indorsement and dictum of an overwhelming vote, composed of the independents and the best Republican elements, won in primary and general elections on the clear-cut issue of efficiency versus machine rule, which few former Philadelphia mayors have had; and, for another, Mr. Moore is gifted with a genius for politics and for understanding and dealing with men which no previous "reform" mayor in Philadelphia possessed in the same degree. A further advantage is the greater opportunity offered by the city's amended charter.[2] These exceptional factors, combined with Mr. Moore's public experience and personal qualifications, give confidence to many shrewd observers that while Mr. Moore cannot make a Utopia of Philadelphia in four years, he will be able, with hard work and a little luck, to accomplish much that in the past has seemed hopeless.

The circumstances attending Mayor Moore's induction into office support these hopes. His appointment of heads of departments has been particularly strong. James T. Cortelyou, director of public safety, was formerly chief of postal inspectors and later at the head of the detective force of the county of Philadelphia. John C. Winston, director of public works, is at the head of a large publishing house and accustomed to handling large affairs; as chairman of the committee of seventy since 1903, and of the charter revision committee, he has been a forceful public figure and familiar with the work of his new office. Dr. C. Lincoln Furbush, director of public health, has had a wide and varied experience under Surgeon-General Gorgas in Panama and also during the war; Dr. Furbush has a high reputation as a sanitarian and a disciplinarian. George F. Sproule, director of wharves, docks, and ferries, is known as the best informed man concerning the port of Philadelphia; he has been closely identified with shipping interests for many years. Ernest L. Tustin, director of the new department of public welfare, was formerly head of the recreation board, where he made a good record; he has been a successful lawyer and business man. A. Lincoln Acker, city purchasing agent, has recently retired as the head of one of the largest grocery concerns in Philadelphia; he has had wide experience in large purchasing, and possesses splendid qualifications for his new office. Such of these appointments as have political significance are political only in the best sense, and indicate the high plane of thinking and action of the new administration at its inception.

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[1] National Municipal Review, vol. viii, p. 731.

[2] National Municipal Review, vol. viii, pp. 417 and 454.

Mr. Moore has also been particularly fortunate in his relations with the new single-chamber council of twenty-one. Not only has he shown a high quality of leadership in dealing with the organization of the new council, but he has been successful in obtaining the council's election of a civic service commission admirably equipped for the exacting task of bringing to a higher standard the personnel of the various city departments. Of this commission Clinton Rogers Woodruff, now honorary secretary of the National Municipal League after twenty-five years' service as secretary, is well qualified for his position of chairman by his judicial temperament and an intimate knowledge of the civil service gained through his long activity in municipal affairs. Lewis H. Van Dusen, another member of the commission, served with distinction in the same position during the administration of Mayor Blankenberg and was in charge as lieutenant-colonel of the personnel bureau in the War Department. Charles W. Neeld, the third member of the commission, is a business man selected for his business experience and his civic interest. Such a commission, both in weeding out the misfits in the service at present, and in conducting fair and effective examinations in filling vacancies, will prove a vital asset to the new mayor.

Russell Ramsey.

◆

Mayor Hoan's Administration in Milwaukee.—Commenting on the administration of Mayor Hoan of Milwaukee, Charles F. Carson, of the *Living Church*, writes:

> The real social value of the public marketing plans, for instance, of the socialistic administration was shown by the fact that in providing fish food for the poorer classes the city government was able to undersell the regular markets to the extent of from 50 to 75 per cent in retail price. When the masses of the people were securing food only with the greatest difficulty, this item urged by the mayor in his address was a very strong argument for socialistic methods.
>
> The mayor's suggestion that labor be hired directly, without the intervention of a middle man, seems to me to meet the requirements of common sense, if once we recognize the right of a man to labor without being exploited.
>
> The mayor's plans outlined for making a better Milwaukee included those for improved housing conditions, doing away with the congestion of population, and securing public ownership of the local street railways. The need for each of these three is apparent to a resident. In Milwaukee there are large slum districts, comparing favorably in size with those of the older eastern cities, while on the outskirts within the easy reach of future railway extensions are large expanses of territory which would lend themselves easily to the housing of workmen, when once economical transportation facilities are afforded through public ownership. That public ownership is necessary was proven by last year's campaign of the local company for increased fares. They asserted that it would be necessary to raise the local fare from a four-cent ticket to a straight five-cent fare, if they were to pay the interest charges which the courts had declared legitimate. The Railroad Commission granted the increase, and afterwards it developed that for two years the company had been paying on the old fare system an interest of 12 per cent to a large class of its investors, but still had demanded more.
>
> The mayor has labored under the disadvantage of having a legislative branch not in sympathy with him politically, but he has made a good name for himself nevertheless in spite of political misrepresentation.

◆

Non-Partisan Elections for Milwaukee.—The last Wisconsin legislature passed two laws providing for the non-partisan election of the county board of supervisors and the county administrative officers, the laws for the present being limited to the county of Milwaukee, the largest county in the state. These laws are a move in the direction of majority rule, in that Milwaukee county has three parties of approximately equal strength. The non-partisan law leaves the choice at the election to the two highest nominees at the primary.

Raymond T. Zillmer.[1]

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[1] Secretary, Good Government League.

IV. JUDICIAL DECISIONS

Proportional Representation Held Unconstitutional in Kalamazoo.—Judge Jesse H. Root, of Monroe, Michigan, in a case brought before him in the circuit court for the county of Kalamazoo, has rendered a decision declaring unconstitutional the provision in the charter of the city of Kalamazoo providing for the election of city commissioners by the Hare system of proportional representation. The provision was attacked on the ground that it conflicted with the requirement of the constitution that "in all elections every inhabitant of this state shall be an elector and entitled to vote." The court held that this constitutional requirement was interpreted by the supreme court of the state in the case of *Maynard* v. *Board of Canvassers*[1] as giving to each elector the right to vote for every officer to be elected, whereas under the Hare system, as applied to Kalamazoo, each elector is permitted to vote for only one of the seven commissioners to be elected. Judge Root also quotes the supreme court of Ohio[2]—in which state the constitution then provided that each elector "shall be entitled to vote at all elections," a provision substantially the same as the Michigan clause—as thus interpreting the case of *Maynard* v. *Board of Canvassers* in support of a decision that the Ohio clause guarantees to each elector the right to vote for each officer whose election is submitted to the electors.

Judge Root's decision takes recognition of the contention that these decisions have no applicability to the Kalamazoo case for the reason that city officers are not constitutional officers; that the opinions quoted from are all in reference to constitutional officers; and that the manner of electing city officers is purely a matter of local concern.[3] Judge Root disposes of this point on the grounds that however true it might otherwise be, it is entirely offset by the constitutional prohibition that "no city or village shall have the right to abridge the right of elective franchise."

On the other hand, Judge Root holds that the Kalamazoo charter is not void because it provides for the election of the mayor by a vote of the commissioners instead of by the people themselves. He also dismisses as purely typographical or clerical an error in the repealing clause of the charter, ruling that the undoubted intention of the charter framers, rather than its literal interpretation, should govern. Furthermore, he dismisses the contention that the court should refuse to enter a judgment of ouster because it would be futile, the respondents having been succeeded by a new commission (also elected by proportional representation), his position being that the proceeding was brought to test the constitutionality of the charter rather than the right of one man to hold office under it.

Judge Root's rather sensational decision seems to give general satisfaction among the opponents of proportional representation, and general dissatisfaction among its adherents—as might be expected. Pending an appeal to the supreme court, the city attorney has advised the commission to play safe, and, in matters of taxation, not to exceed the tax limit set by the old charter. The budget for 1920 is accordingly to be reduced so as to keep within the old charter limit of 10 mills. A charter amendment is also proposed, deleting the objectionable proportional representation clause and substituting the old majority system. Such action will require two special elections, one for a referendum on the charter amendment, and another for the election of new commissioners.

V. MISCELLANEOUS

Exit "The Public," Enter "Taxation."—The announcement that *The Public* would cease to exist after its issue of December 6, 1919, came to many of its readers rather as a shock. Under the editorship of Louis F. Post, *The Public* achieved a well-deserved reputation for high, straight thinking, and was frequently referred to as the best-edited periodical in the United States. Upon the retirement of Mr. Post, Stoughton Cooley became its editor, maintaining in an able manner the standards which his predecessor had set. That the circle of *The Public's* readers was never relatively large is regrettable, but more or less in the nature of a distinction, since no serious review in America has ever appealed to more than an infinitesimal part of our citizenship—and possibly never will. But that this circle should dwindle to a point where it could not sustain existence is, indeed, a tragedy in American journalism.

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[1] 84 Mich. 228.

[2] *State* v. *Constantine*, 42 Ohio 537.

[3] *Bellas* v. *Burr*, 78 Mich. 1. *Menton* v. *Cook*, 147 Mich. 540.

Simultaneously with the extinction of *The Public* came the announcement of a new magazine, *Taxation*, to be inaugurated in January, with James R. Brown, president of the Manhattan single tax club, as publisher, and Mr. Cooley as editor. *Taxation* is projected as an educational weapon for the business man and student of affairs that "will be devoted to the great underlying causes of social unrest and industrial maladjustment." It promises to be non-partisan, and to analyze the rights of the citizen and the proper sphere of government.

*

Citizens' Research Institute of Canada.—This institute, recently organized, is a dominion-wide association of citizens to obtain and make available the fact basis of the administration of public affairs in Canada. The institute will harmonize its work with that of local bureaus of municipal research and similar bodies, and give wide circulation to such local material as is of general interest. The institute will endeavor, as one of its specific aims, to promote the movement toward the standardization of municipal, provincial and national accounting, which would, among other things, make possible the trustworthy comparison of statistics. Toward this end a series of pamphlets is being published on the cost of government in Canada.

*

A Civic Classification Scheme.—The municipal reference bureau of the University of Minnesota, of which E. L. Bennett is secretary, has issued a "Classification Scheme for Material in the Municipal Reference Bureau," which represents a very careful and painstaking effort, and should prove of interest and practical value to all institutions concerned with the collection of municipal and civic data. Mr. Bennett's scheme includes some eighteen main subject heads, with appropriate sub-heads and sub-sub-heads. The main subjects are: municipal government; people's part in government; municipal corporations; forms of municipal government; municipal legislation; courts; administration; stores and purchasing department; finance; public safety; public health; welfare; city planning; public works; ports and terminals; public utilities; education, and civic organizations.

*

New Year Greetings from the City of Flint (Michigan) are contained in an attractive new year's card carrying the city's greetings on the front cover, a plan of the city on the inside, and on the back a quotation from Charles W. Eliot relative to city planning.

*

A Study of the Teaching of Government in secondary schools will be made by Professor Edgar Dawson of Hunter College, New York City, who has been given a year's leave of absence for the purpose. Professor Dawson, who is also field representative on civic education for the National Municipal League, will welcome correspondence with those interested in the subject, suggestions as to points which should be covered, or information as to successful experiments now being made in the field. It is expected that the results of this study will be published in the spring of 1921.

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The Coming of Centralized Purchasing in State Governments

BY
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THE COMING OF CENTRALIZED PURCHASING STATE GOVERNMENTS

BY A. E. BUCK

I—INTRODUCTION

Growing Need for Centralized Control Over Purchasing

Approximately eighty per cent of the ordinary current expenditures of state governments is made in payment for the services of persons and for the purchase of supplies and materials, from thirty to sixty per cent going for the services of persons and from twenty to fifty per cent for the purchase of supplies and materials. In spite of this comparatively large expenditure for supplies and materials, it is only very recently that many of the states have become interested in the subject of purchasing with a view to economy there and have undertaken to centralize control over purchasing methods and procedure by fixing responsibility for all purchasing in a single unit of the government. The need for such control seems obvious. Numerous savings and certain advantages accrue from the operation of a centralized purchasing system. Briefly, these are (1) the concentration of purchasing power, permitting goods to be bought in large quantities at the lowest and best prices under competitive bidding and promoting prompt delivery, inspection and payment for goods with the minimum inconvenience to dealers; (2) the standardization of supplies, eliminating unnecessary range in kinds of goods, also unduly expensive grades; and (3) the development of an expert purchasing staff, acquainted with the details and skilled in the methods of the several phases of purchasing, inspecting, testing and storing goods.

Development of Centralized Purchasing in City Governments and National Government

The movement for centralized purchasing of supplies in governmental organizations is comparatively recent. It was about twenty years ago that cities first began to adopt such systems of purchasing. They copied to a large extent the purchasing methods and procedure of private organizations. Chicago was the first large city to establish a purchasing department (1898), which was placed under the direction of a "business agent" empowered to exercise considerable control over the purchasing of all the city's agencies. In 1903 Philadelphia established a purchasing department with control over the purchase of all supplies for "the conduct of the business of the city." It has been since 1910, however, that most of the larger cities have adopted centralized purchasing systems. Among these may be mentioned Baltimore, Cleveland, Dayton, Los Angeles, Minneapolis, Milwaukee, New York and St. Louis.

The organizations for centralized purchasing in the various cities differ widely. Some have boards or comittees composed of appointive or *ex officio* members. Others have delegated the function of purchasing to an existing officer or department. The majority of cities, however, have created special purchasing departments, in most cases under the control of a single appointive officer. In those cities where the government has been recognized and consolidated into a few departments the function of purchasing has been made a division or bureau under one of the main departments, usually the finance department.

The general supply committee, in charge of the purchasing of supplies for the executive departments and other agencies of the federal government in Washington City, was created in 1910. This committee is composed of an officer from each of the executive departments designated by the secretary of the department. The work of this committee is under the direct supervision of the superintendent of supplies, who is appointed by the secretary of the treasury and is *ex officio* secretary of the committee. Standardization of supplies constitutes the principal work of the committee.

Movement for Centralized Purchasing in State Goverments

Twenty years ago (1899) Texas established the office of state purchasing agent for the several eleemosynary institutions of the state. This office operated continuously until the past year, when it was abolished and the exercise of its functions was given to the newly created state board of control. The next state to create the office of purchasing agent was Vermont in 1912. The Vermont agent was given the power to purchase all supplies and materials used by the several departments and institutions of the state. New Hampshire followed in 1913 by creating the office of purchasing agent, the agent having charge of the purchasing for all the state institutions and departments except the state agricultural college. Although several changes have since been made in the powers of the purchasing agent, they have resulted in an increase rather than a decrease of his authority. California established a state purchasing department in 1915, which has control over the purchase of supplies for all state agencies, except the state university. In the same year Alabama constituted the secretary to the governor purchasing agent for the state. Recently (1919) the purchasing functions were taken away from the governor's secretary and given to the newly created board of control and economy. In 1916 New Jersey established the office of state purchasing agent under the control of the state house commission. Ohio, in 1917, established a state purchasing department in the secretary of state's office, having authority to purchase for the state offices and departments, but not for the institutions, the courts and certain boards. The Illinois civil administrative code of 1917 provided for the establishment of a division of purchases and supplies in the department of public works and buildings, which is authorized to purchase practically all of the state's supplies. The New York legislature of 1918 enacted a law which created a central supply committee, consisting of seven *ex officio* members, and provided that it should become operative on July 1, 1919. In 1919, Idaho, Michigan and Wyoming provided for centralized purchasing of state supplies. Idaho placed the puchasing functions under the department of public works in its recently reorganized administration. Michigan created the office of state purchasing agent. Wyoming created a state board of supplies, consisting of three *ex officio* members.

The purchasing systems of the above named twelve states will be taken up in subsequent sections of this article and discussed in detail under the general heads, (1) organization of the purchasing agencies, (2) purchasing methods and procedure, and (3) operation of the purchasing systems.

Other states besides those named above have attempted to establish control over the purchase of supplies and materials for their various using agencies, but have not been able to centralize the purchasing to any considerable extent. Nebraska vested the control over the purchase of stationery, office supplies and printing in the newly created department of finance under the reorganized administration.[1] Institutional purchasing is left to the control of the board of commissioners of state institutions, a constitutional body. Massachusetts provided in the administrative consolidation act[2] for the creation of a superintendent of buildings, who is charged with the care of the state house, and with the duty of purchasing all office equipment, stationery and supplies for the consolidated departments. The purchasing for the state institutions is conducted separately; only in the case of the institutions for the insane has there been an attempt to consolidate the purchasing. In Wisconsin the superintendent of public property has the power to purchase such supplies as are used by the departments quartered in the capitol.[3] The state board of control supervises the buying of supplies for the state institutions except the state university, which makes its purchases separately. A large number of states have placed their charitable, penal and correctional institutions under the supervision of boards of control and these boards in several cases have consolidated the purchasing for their institutions. The best examples of this type of consolidated purchasing are to be found in Arizona,[4] Kansas,[5] Tennessee,[6] and West Virginia.[7] North Carolina has a co-operative purchasing committee composed of superintendents of certain state hospitals and schools.[8]

II—ORGANIZATION OF STATE PURCHASING AGENCIES

This section will consider the administrative control which has been established over the purchasing agencies of the twelve states having fairly well-developed centralized purchasing systems, namely, Alabama, California, Idaho, Illinois, Michigan, New Hampshire, New Jersey, New York, Ohio, Texas, Vermont and Wyoming; also the organization of each purchasing agency and the general scope of its purchasing power.

Alabama

The 1915 legislature of Alabama enacted a law[9] which constituted the secretary to the governor purchasing agent for the several state departments other than the convict department and the state courts. For this work he received $600 per year[10] and was required to give a bond of $10,000. The governor, auditor and treasurer were constituted a state board of purchase, having control over the work of the purchasing agent. The law establishing this organization was repealed in 1919 and the purchasing functions were vested in the newly created board of economy and control.[11] This board is composed of three members, a chairman and two associate members, appointed by the governor and serving at his pleasure for terms not to exceed four years for the chairman and two years each for the associate members. The chairman receives $6,000 and the associate members $4,000 each per year.

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[1] Civil Administrative Code, Laws of 1919.

[2] Ch. 350, General Laws of 1919.

[3] Ch. 33, sec. 33.03, Revised Stats. 1917.

[4] Ch. 64, L. 1919.

[5] Ch. 297, L. 1917.

[6] Ch. 20, L. 1915.

[7] Ch. 58, L. 1909 (Sec. 596, Code of 1913).

[8] Ch. 150, L. 1917; amended by Ch. 298, L. 1919.

[9] Act No. 414, L. 1915.

[10] Act No. 711, L. 1915.

[11] Acts No. 47 and 758, L. 1919.

The board of control and economy is required to purchase "all supplies for all departments and activities of the state, including all educational institutions and the convict department." It may also make purchases for the several counties of the state when requested by the governing body of each county. No legal provisions are made for the appointment by the board of a purchasing agent or staff to assist in purchasing. Under provisions of the code,[1] which were not repealed by the law establishing the board of control and economy, the secretary of state is required to contract biennially for fuel used in the capital, stationery, printing and binding for the different state departments, all such contracts being subject to the approval of the governor, auditor and treasurer. This requirement will necessarily hamper the work of the board of control and economy, which began to operate on January 1, 1920.

California

At the head of the state purchasing department of California, created in 1915,[2] is a state purchasing agent appointed by and serving at the pleasure of the governor. He receives an annual salary of $4,000 and is required to give bond for $10,000. The purchasing agent has power to appoint a deputy state purchasing agent at a salary of $3,000, a state testing engineer at $2,700 and to appoint and fix the salaries of three assistant state purchasing agents subject to the approval of the state board of control. He also has the authority to secure such other help as may be necessary for conducting the work of the department. Recently there were thirty-six persons employed and arranged according to the following six working groups: foods and forage; building material, general hardware, machinery and implements; clothing and fabrics, drugs and chemicals, and leather goods; stationery and office supplies; testing laboratory; general stock and store division at San Francisco.

The purchasing agent has the power, subject to the approval of the state board of control consisting of three members appointed by the governor, to contract for and supervise the purchase of all supplies necessary for "every state department, commission, board, institution, or official," except the state university and such funds as may be exempt from the jurisdiction of the purchasing department by unanimous vote of the state board of control.

Idaho

In connection with the code reorganizing the state administration, the 1919 legislature of Idaho passed a law[3] which imposes upon the department of public works the duty of purchasing all supplies for the state departments and institutions. The purpose of the law, says the preamble, "is to secure the orderly and economical administration of the business affairs of the various departments and institutions, publicity and fairness in awarding contracts for all supplies and the keeping of accurate cost accounts." The department of public works, the head of which is appointed by the governor, is given the power to contract for and purchase communication services, fuel, light, water, and all office supplies and equipment for the several state departments; also all provisions, supplies and equipment for the various charitable, educational, penal and reformatory institutions of the state, as well as tools and machinery for state road construction. No definite provisions are made in the law for the organization of a purchasing division or bureau under the department of public works.

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[1] Secs. 1647–1677 of Code.

[2] Ch. 351, L. 1915; amended by Ch. 187, L. 1919.

[3] S. B. No. 147, L. 1919.

Illinois

The Illinois civil administrative code of 1917, providing for the reorganization and consolidation of the state administration, created the office of superintendent of purchases and supplies under the department of public works and buildings. The superintendent is appointed by the governor and is directly responsible to the head of the department. He receives an annual salary of $5,000. His work is organized into the division of purchases and supplies and his office force consists of about fifteen persons. Considerable inspecting, analyzing and testing work is done by experts outside of his office, connected either with other code departments or with private organizations.

The division of purchases and supplies procures all supplies for the several state departments, except those formerly supplied by the secretary of state; also all supplies for the state charitable, penal and reformatory institutions and normal schools.

Michigan

A law[1] was passed by the 1919 legislature of Michigan, which creates the office of state purchasing agent and provides that the agent be appointed by the governor with the approval of the senate to serve at the pleasure of the governor. He receives an annual salary not to exceed $4,000 and is not to be connected in any way with the sources of the supplies furnished the state. Upon entering office, he must take the constitutional oath of office and furnish bond to the sum of $10,000. There is an advisory board attached to the office of the purchasing agent, consisting of nine members chosen from among the stewards of the various state institutions, together with the governor and the food and drug commissioner *ex officio.* The members of the advisory board serve for overlapping terms of five years each and receive no compensation for their services. This board is required to adopt by-laws subject to the approval of the governor for the conduct of the purchasing, and to meet with the purchasing agent at least once a month. The purchasing agent may appoint, with the approval of the governor, clerks and other necessary help.

The purchasing agent is given the power to purchase all supplies and materials necessary for the maintenance, extension, or operation of all state penal, reformatory, charitable and correctional institutions, except the University of Michigan and the Michigan Agricultural College. These institutions, however, may join with the others in making their purchases.

New Hampshire

In 1913 New Hampshire provided for the creation of the office of purchasing agent, the agent being appointed by the governor and council for a term of three years at an annual salary of $3,000.[2] At the same time a board of control was created, consisting of two persons, appointed by the governor and council for overlapping terms of four years, and the governor *ex officio.* This board controlled the state institutions and supervised the work of the purchasing agent. A 1915 statute[3] repealed the former law and created a board of trustees of state institutions composed of ten men, two for each institution, appointed by the governor for terms of five years. This board was authorized to employ a purchasing agent at an annual salary not exceeding $3,000. The purchasing power of this board was extended in 1917 to include the buying of the supplies and materials for all institutions and departments of the state except the state agricultural college.[1] In 1919 the board was abolished and a separate board of trustees for each institution was substituted.[2] The purchasing agent was again made an appointee of the governor and council for a term of three years at a salary fixed by the governor and council. He is allowed such assistance in the performance of his duties as may be approved by the governor and council.

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[1] H. B. No. 61 (H. Enrolled Act No. 199), L. 1919.

[2] Ch. 140, L. 1913.

[3] Ch. 176, L. 1915.

At the present time the purchasing agent is given the power, subject to the supervision of the governor and council, to purchase all supplies and materials for the state institutions, including the normal schools, the state house and the departments quartered in the state house; also for the county institutions upon request of the county commissioners, and for the New Hampshire College of Agriculture and Mechanic Arts and the Soldiers' Home upon the request of their trustees.

New Jersey

A New Jersey statute, passed in 1916, vests authority for the purchase of all supplies and materials for all using agencies of the state government in the state house commission, composed of the governor, treasurer and comptroller.[3] The office of state purchasing agent is created, the agent being appointed by the governor with the approval of the senate for a term of five years at an annual salary of $5,000. He is required to have had practical purchasing experience and to give bond for $50,000. His work is under the supervision of the state house commission and he may be removed by the governor at any time for nonperformance of duty. Such assistants may be appointed by the purchasing agent with the approval of the state house commission as are necessary. An advisory board, consisting of one representative from each of the using agencies, is constituted and required to co-operate with the state house commission in determining standards and purchasing methods and to meet with it at least every three months.

New York

A 1918 law provided for the creation of a central supply committee of seven members, consisting of the state comptroller as chairman, commissioner of education, superintendent of public works, secretary of the trustees of public buildings, chairman of the state hospital commission, fiscal supervisor of state charities and superintendent of state prisons.[4] This committee is in personnel identical with the commission named in 1917,[5] to investigate purchasing methods, and which recommended to the legislature the adoption of a purchasing system similar to that of the federal government in Washington City.

According to the law the central supply committee was given until July 1, 1919 to organize and consolidate the state purchasing. After that date all materials and supplies used by the state agencies and designated by the committee, excepting those required by law to be purchased for the penal institutions, shall be bought by the committee. The committee, under a provision of the law, has appointed a sub-committee of four members, representing the departments and principal institutional groups, which together with the secretary of the committee conduct the purchasing procedure with the approval of the central supply committee. This committee is not concerned with the public printing.

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[1] Ch. 112, L. 1917.

[2] Ch. 14, L. 1919.

[3] Ch. 68, P. L. 1916.

[4] Ch. 400, L. 1918.

[5] Ch. 142, L. 1917.

Ohio

In 1917 the Ohio legislature enacted a law providing for the establishment of a state purchasing department attached to the office of secretary of state, who appoints a purchasing agent for a term not to exceed his own at a salary not to exceed $3,000 per year.[1] The purchasing agent is required to give bond for $15,000, and may not receive rebates or gifts from dealers under penalty of fine and imprisonment.

Such supplies and equipment as may be determined by the secretary of state, the state auditor and the purchasing agent may be purchased by the agent, except supplies and equipment for the state election boards, state courts, institutions under the state board of administration, militia, and agricultural experiment stations. The state educational institutions and the commissioners of public printing are not included.

Texas

Texas established in 1899 the office of state purchasing agent for the various eleemosynary institutions of the state.[2] The purchasing agent was appointed by the governor with the approval of the senate for a term of two years at an annual salary of $2,000. In 1915, the annual salary of the purchasing agent was made $3,000, and the educational institutions of the state were added to those already under his purchasing supervision.[3] A law, creating a state board of control, was enacted by the 1919 legislature, which abolished the office of state purchasing agent and gave the exercise of his functions to this board.[4] The board is composed of three persons appointed by the governor with the senate's approval for overlapping terms of six years at annual salaries of $5,000 each. One of the seven divisions of this board's work is designated as the division of purchasing, the chief of which is appointed by the board and must have had at least five years experience in purchasing. The purchasing power of the state board of control is extended to all departments of the state government. The board became operative on January 1, 1920,[5] when it assumed the duties of the board of public printing, composed of the attorney general, comptroller and secretary of state.[6]

Vermont

Vermont created the office of purchasing agent in 1912.[7] The agent is appointed by the governor with the senate's approval for a term of two years at a yearly salary of $2,500. He is required to execute a bond to the sum of $20,000. It is his duty to purchase all supplies, including printing, fuel, water and light, materials and equipment for all state departments, institutions and officials, except the soldiers' home and the military department. He may purchase for the soldiers' home upon request.[8] A law, enacted in 1919, placed the purchasing agent's work under the supervision of the state board of control, although the manner of his appointment to office remains unchanged.[9]

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[1] H. B. No. 193 (p. 422), L. 1917.

[2] Ch. 86, L. 1899.

[3] Ch. 126, L. 1915.

[4] Ch. 167, L. 1919.

[5] Ch. 4 (first called session), L. 1919.

[6] Ch. 84 (second called session), L. 1919.

[7] No. 253, L. 1912.

[8] No. 202, L. 1919.

[9] No. 220, L. 1919.

Wyoming

The 1919 legislature created a state board of supplies, consisting of the treasurer, auditor and state engineer, with the power to buy all supplies furnished by the state to any department, board or institution, except the state university and the state highway commission.[1] This board is authorized to hire and fix the salary of a clerk to have charge of all supplies and the office of the board at the capitol.

III—PURCHASING METHODS AND PROCEDURE

This section will deal briefly with the legal provisions and practices relating to the purchasing methods and procedure of those states, the purchasing organizations of which have been considered in the preceding section. Consideration will be given to the following points: Determining supply schedules, advertising for bids, receiving and passing on bids, letting contracts, ordering, delivering and inspecting goods, paying for goods, and storing and testing goods.

Alabama

Under the law the board of control and economy is required to make out an itemized list of proposed purchases and to give notice in at least one daily paper published in Montgomery. It may also give notice in one daily paper in Birmingham and Mobile. The notice must state in a brief general way the nature of the supplies to be bought, also that sealed written proposals to furnish such supplies will be opened at the office of the board on a fixed date, which must be not less than ten or more than twenty days thereafter. Itemized lists of supplies needed must be kept on file at the board's office and be open to any party for bids. Contract must be let to the lowest responsible bidder if his prices are reasonable and not greater than the prevailing market prices. The board cannot purchase any supplies from any firm in which a member of the board has a pecuniary interest. It may reject all bids submitted, but must record the reason for its rejection. All contracts for purchases must be approved by the governor. Successful bidders may be required to give bond with a duly authorized surety company to guarantee performance of contracts. The board may adopt such rules and regulations with the approval of the governor as may be required to supplement the foregoing provisions of the law. Each using agency must file with the board by January 1st of each year an inventory of all supplies and equipment in its possession.

California

The purchasing department makes up supply schedules upon the basis of estimates or requisitions submitted by the various using agencies of the state. All goods purchased by the department are standardized as far as possible and divided into twenty-seven schedules, similar kinds being grouped together for the convenience of dealers. While the newspapers are used as a means of advertising for bids, the department prefers to send schedules directly to prospective bidders. After bids have been received they are tabulated and the awards made to the successful bidders. All contracts and purchases must be approved by the state board of control before being made. Contracts are usually made for three, six and twelve months, the shortest period being more commonly used because of unsettled market conditions.

Purchases are of two kinds, namely, contract and non-contract. The purchasing procedure for contract supplies is as follows: The using agency makes out a purchase order addressed to the contractor, which designates the quantity, measure, description, unit, cost as per contract of the goods needed, date of delivery, and the fund out of which the order is payable. This order is signed by the executive head of the using agency and is made in quintuplicate—the original is sent to the purchasing agent, who approves it and places it with the contractor; the duplicate is also sent to the purchasing agent, who returns it to the using agency as a notice that the order is placed; the triplicate is retained in the files of the using agency; the quadruplicate is sent to the purchasing agent as a copy for the purchasing department; and the quintuplicate is a copy for the state board of control, which must approve of each contract order before final payment is made. Upon the receipt of the order the contractor ships the goods according to the date set for delivery and forwards invoices in triplicate to the using agency. When the goods are delivered the using agency's storekeeper checks them up on a blank called report of goods received. This report is then approved by the executive head of the agency and the original invoice is attached to the original copy of the report and it, along with the duplicate and triplicate copies, are sent to the purchasing agent. The quadruplicate copy is kept in the files of the using agency. The purchasing agent checks up the report and returns the triplicate copy to the files of the using agency. When a copy of this report and the invoice, accompanied by a sworn statement of the purchasing department as to the correctness of the claim, is approved by the state board of control the comptroller then audits the claim, draws his warrant for the amount and the treasurer pays the same.

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[1] Ch. 96, L. 1919.

In the case of non-contract purchases the procedure is as follows: The using agency sends a requisition to the purchasing agent for the supplies needed, giving quantity, measure, description, amount on hand, estimated cost, and date wanted. This requisition is made out in duplicate, the original copy going to the state purchasing agent and the duplicate copy remaining in the files of the using agency. Upon receipt of the bids, the purchasing agent places an order with the successful bidder for the goods as specified on the request for quotations and as originally specified on the requisition from the using agency. This order is made out in quintuplicate—one copy, signed by the purchasing agent, is sent to the bidder; two copies are sent to the using agency, one to be signed by the executive head and attached to the invoice for the purchasing department, the other to be retained in the files of the using agency; one copy is retained by the purchasing department; and one copy is sent to the state board of control. The shipping, checking up and paying for the goods are the same as under contract purchase. The purchasing office has a card system for keeping records of the quantities purchased for the various using agencies and the prices paid.

The 1919 legislature appropriated $200,000 to the purchasing department to be used as a revolving fund in the purchase of supplies with the approval of the state board of control, the fund to be reimbursed from the appropriation accounts of the using agencies. Prior to this time the department had had a revolving fund of $25,000.

The purchasing agent is given the power, subject to the approval of the state board of control, to maintain warehouses and to insure the goods stored therein, the premium to be paid out of the revolving fund and prorated and added to the price of the goods when shipped to the various using agencies. A warehouse has been established in San Francisco in which non-perishable merchandise needed by the institutions is stored. Branch supply depots have been located in Sacramento and Los Angeles, carrying stationery and office supplies and billing to the offices and departments at cost plus 2 per cent to cover breakage, shrinkage and so forth. The purchasing department maintains two testing laboratories in San Francisco and one in Sacramento.

Idaho

Itemized lists of supplies on hand and of supplies needed are required under the law to be made by the commissioners of the departments and the superintendents of the state institutions to the department of public works. This department then makes an examination of the supplies on hand and of the additional amount of supplies necessary on the basis of which itemized and classified supply schedules are prepared. Notice must then be given in one or more newspapers of general circulation for at least ten days that sealed bids will be received by the department of public works up to a fixed date, that supply schedules are on file for the inspection of dealers at the office of the department, and that bids will be opened at a specified time and contracts awarded to the lowest responsible bidder. Each bid must be accompanied by samples of the supplies to be furnished, which are ample in quantity to be divided and part kept in the office of the department and part, in case an award is made, sent to the superintendent of the institution receiving the supplies. All bids must be accompanied by a certified check on some responsible bank, payable to the treasurer of the state, equal in amount to 5 per cent of the bid, which check is returned in case no award is made. The bids must include the delivery of the supplies to the departments and institutions for which they are purchased. The department of public works is required to record an abstract of all bids made for furnishing supplies and equipment, giving the name of the bidder, terms, and prices, and to keep this on file, open to public inspection, until the end of the contract term to which the bids relate. Each bidder has the right to be present, either in person or by agent, when the bids are opened and to examine all bids. The department has the right to reject any and all bids and to advertise again for bids.

Contracts are not to be entered into for a longer period than one year and are to embody such conditions as the department of public works may determine. Quality and price being equal, preference is to be given to goods produced or manufactured within the state. Contracts when transferred to other dealers are void and penalty attaches to such action. Perishable supplies are not purchased under state contract, but the institutions are allowed to buy them under proper regulations and must render an itemized account for same to the department of public works. Emergency purchases may be made in open market and accounted for in a similar manner.

Departmental and institutional stores are subject to inspection at all times by the department of public works. This department must keep a complete set of books showing all purchasing transactions with the various using agencies. It must also take a complete inventory of all state property.

Illinois

The legal provisions relating to the purchasing procedure of the division of purchases and supplies in the department of public works and buildings are as follows: Supplies for the several departments, except perishable goods and emergency needs, must be purchased in quantities and contracts therefor must be let to the lowest responsible bidder. Advertisements for bids must be published for at least three days, the first and last of which publications must be at least ten days apart, in one or more newspapers of general circulation published in each of the seven largest cities of the state, determined by the most recent federal census; and, also, in one "secular English newspaper" selected by the department by competitive bidding, designated as an "official newspaper" and to continue so for one year after its selection. The proposals must be opened publicly on the day and hour and at the place mentioned in the advertisement. Any and all bids may be rejected and re-advertisement made. The department of finance is required to prescribe uniform rules governing specifications, advertisement for bids, opening of bids and making of awards; also, to keep a catalogue of prices current and to analyze and tabulate prices paid and quantities purchased.

The purchasing procedure as developed in practice is briefly as follows: The division of purchases and supplies obtains the quantities of supplies desired from requisitions made by the several using agencies. These requisitions are made out in triplicate and when approved by the director of the department in which the using agency is a division, one copy is filed with the agency, one with the approving director and one is sent to the division of purchases and supplies. The requisitions for supplies are brought together by the superintendent of purchases and supplies, and are classified, standardized and arranged in schedules. Upon advertising for bids, the score or more of classes are grouped under three main divisions and bids are requested for the items of the several classes of each division independently of the other divisions. Bids may be received for one or all institutions on any or all items. All bids must include transportation charges. Usually bidders are required when submitting quotations to send samples to match standards specified. All samples, except perishable ones or those upon which contracts have been let, are returned to the bidder at his expense after the awards have been made. After the bids have been publicly opened upon the day and hour advertised they are tabulated upon sheets for this purpose. Awards are made upon the basis of items and other things being equal preference is given to goods produced in Illinois. Contracts for supplies usually cover a three months period, and provide that the quantity actually used will be within 10 per cent of the quantity contracted. Following the awarding of contracts the division of purchases and supplies issues a purchase order based upon the requisition for supplies. This order is made out in quadruplicate, one copy going to the contractor, one to the using agency, one to the department immediately in control of the using agency, and one is retained by the division of purchases and supplies. Goods are shipped immediately upon receipt of the order, at a stated future time, or upon notification of the using agency. Invoices in triplicate for all goods must be mailed by the contractor to the using agency. When received, the goods are inspected; if they fail to conform to specifications they are rejected and open market purchases are made to meet the requirements at the expense of the contractor. Bills are promptly paid and advantage is taken of all discounts. In case the using agency is permitted to make purchases or to obtain competitive bids an authorization is issued in triplicate by the superintendent of purchases and supplies. If the using agency places an order for delivery a blank for this purpose is required to be made out in triplicate.

Michigan

The provisions of the law relating to purchasing procedure are as follows: Estimates of supplies needed must be furnished to the purchasing agent by the stewards or executive officers of the various institutions at such times as may be designated by the advisory board. These estimates are open to public inspection when filed with the purchasing agent, and must state as far as possible the quantity, quality and brand of articles needed. The purchasing agent is then required, with the approval of the advisory board, to standardize all supplies purchased, and in advertising for bids to confine himself to the standards so set up. Samples may be required to accompany bids. In awarding contracts, all things being equal, preference is given to home products. The purchasing agent, with the approval of the governor, may require a bond for not less than one-third the amount of the bid to be filed with the secretary of state as a guarantee for the execution of the contract. All bills of lading and claims for shortage and breakage must be filed with the purchasing agent. Invoices in triplicate must be made out by the contractor, one copy being mailed to the purchasing agent and the other two to the steward of the institution to which the goods are shipped. When the goods are received if the steward finds they do not come up to the sample he may reject them. If goods are satisfactory, the steward transmits to the purchasing agent a certified copy of the invoice, which the purchasing agent examines and in turn transmits to the state auditor, who draws his warrant for payment upon the state treasurer. Emergency purchases may be made, with the consent of the purchasing agent, in open market. The purchasing agent and the advisory board frame rules for the purchase of perishable goods by the institutions.

New Hampshire

The law requires the purchasing agent to make all purchases by competitive bidding, where in the judgment of the governor and council it is practicable. It also authorizes the governor to set aside in the state treasury a working capital for the prompt payment of bills contracted by the purchasing agent. Two years ago this capital amounted to $45,000.

In practice, the institutions and departments submit to the purchasing agent estimates of their supply needs on requisition blanks furnished by the agent. These are arranged by the purchasing agent in the form which in his judgment will secure the most advantageous bids and are mailed directly to dealers capable of supplying the goods. Since dealers of Boston and New York supply a large part of the goods used, advertisements in local newspapers are not used. Contracts are let for different periods, but not to exceed one year. Delivery orders based upon the requisitions, are sent to the contractors by the purchasing agent. Invoices must be submitted to the using agency in triplicate. When the goods have been received and approved the original and duplicate copies of the invoice are sent to the purchasing agent and the triplicate copy is retained in file. The purchasing agent examines the invoice, retains the duplicate copy and approves the original copy, which goes to the state treasurer for payment. The invoices for a particular institution are classified, analyzed and posted in a record book. At the end of each month an analysis of the payments shown by this book is forwarded to the head of the institution.

New Jersey

The law provides that all supplies must be contracted for and purchased by authority of the state house commission. This commission has power to maintain warehouses and to constitute laboratories. It also has power, the advisory board co-operating, to establish standards of quality. Using agencies may be authorized by the commission to make open market purchases whenever deemed desirable. It is the duty of the purchasing agent to prepare from detailed applications submitted to the commission by the various using agencies schedules of all needed supplies and to submit them to the commission for its approval. After the schedules have been approved, the state house commission must requisition the comptroller for the amount of money estimated to be necessary to defray the cost of the schedules, indicating the appropriations against which the proposed purchases will be charged. The comptroller must approve this requisition, unless it appears that the free balance of any appropriation is not sufficient to cover the charge proposed against it, in which case he rejects that part of the requisition and approves the remainder. The purchasing agent must then arrange the schedules in the manner best calculated to attract competition and advantageous prices. All purchases must be made upon such schedules, and contracts must be executed with vendors. The purchasing agent must apportion expenditures among the using agencies in proportion to the purchases they have made and certify the same to the comptroller. All bills are paid by the state treasurer upon the comptroller's warrant.

In actual practice the requisition by the state house commission upon the comptroller for the amount of money estimated to be necessary to defray the cost of the schedules has been dispensed with as useless and a requisition is made upon the comptroller after the contracts are let and the amounts to be spent are definitely known. A "hand book showing the operation of chapter 68, P. L. 1916" (purchasing law) was got out by the state house commission at the time the purchasing system was installed, which outlined an elaborate and detailed plan of purchasing procedure. The plan has since been considerably revised. At the present time the using agencies submit detailed applications for supplies to the purchasing agent, who makes out schedules upon the basis of standardized specifications and, after approval by the state house commission, mails them to dealers asking for bids. All bids must be submitted to the purchasing agent by a specified date, accompanied by a small deposit and in most cases by samples of the goods to be furnished. Awards are made upon the basis of item bids, which bids must include transportation charges. After the awards have been made the samples and deposits of the unsuccessful bidders are returned and the successful bidders are required to execute contracts and bonds in triplicate copies, one copy each for the purchasing agent, state comptroller and contractor. Following the contracting, the using agency sends a requisition for supplies to the purchasing agent, who thereupon places an order with the contractor for the delivery of the goods to the using agency. Upon delivery the goods are inspected by the storekeeper and a certified copy of the invoice sent to the purchasing agent, who checks it with the order and sends it to the comptroller for payment. The storekeeper may reject all goods not found satisfactory upon examination. Provisions are made for emergency and near-by purchases, the using agency making such purchases upon authority from the purchasing agent.

A central storeroom has been established in the state house, which takes care of all supplies for the various state departments located at the capitol. No state warehouses have yet been established. A revolving fund of $250,000 has been provided and is used by the purchasing agent to make seasonal purchases, which are held in stock until desired by the various agencies.

New York

Under the law the committee is required to make an annual classified schedule with formulas and specifications of all materials and supplies to be purchased on joint contracts. In order to assist the committee in making up this schedule, the using agencies are required to submit to the comptroller between January 1 and March 1 of each year a list of the estimated quantities of materials and supplies, of such character and classes as the committee may designate, that will be required for the next ensuing fiscal year. These lists, after being standardized as far as possible, are to be consolidated by the committee into the annual classified schedule, which is to be used as a basis for soliciting bids. Contracts may be let, not exceeding one year, to the lowest responsible bidder, quality and conformity with the specifications being considered. All bids may be rejected. The committee may use its discretion in requiring a bond for the faithful performance of each contract. Immediately upon the execution of the contract the comptroller must notify each using agency for which any materials and supplies have been included and must state the contract prices of such articles. All purchases are to be made for cash, or credit not exceeding sixty days' time. Provisions may be made for emergency purchases.

In practice, the sub-committee meets from time to time, prepares the specifications, advertises for bids, and awards the contracts subject to the final approval of the statutory members of the committee. Contracts were made in July 1919 for six months covering office supplies for one hundred and sixty-six state agencies. Bids were accepted upon the item basis for all using agencies, and were required to be accompanied with a certified check for 5 per cent of the total amount of the bid. In some cases samples were required. Only approximate quantities were named in the contracts, and other things being equal preference was given to bidders resident of the state. A bond equal to 25 per cent of the total amount of the contract was required. Using agencies place their orders directly with the contractor and supplies are shipped to them prepaid.

Ohio

The law requires the purchasing department, upon determining the kinds of supplies it will purchase, to notify the using agencies by sending them a printed list of the same, and the using agencies must thereafter secure these supplies through the purchasing agent except when special permission is given to obtain them otherwise. The purchasing agent must buy supplies by competitive bidding. Notices, stating time and place bids will be opened, conditions and terms of proposed purchase and itemized list of supplies and quantities needed, must be sent by registered mail to dealers at least fifteen days before the day set for opening the bids and the postoffice receipts of the mailing of such notices filed in the purchasing agent's office. At the same time a copy of such notices must be posted upon the office bulletin board of the purchasing agent. Any dealer may have his name and the supplies handled by him listed with the purchasing department and the purchasing agent must send a notice for bids to every dealer so listed. A copy of each bid must be filed with the state auditor. The purchasing agent may require a bond with any contract for supplies. Contracts are awarded to the lowest and best bidder on each item, and the purchasing agent may accept or reject any or all bids. All using agencies must make requisition for supplies upon the purchasing department, using the forms prescribed by the state auditor. The purchasing agent is required to make monthly statements to using agencies of goods furnished them, and they in turn issue vouchers to the state auditor, who draws warrants for same and the money is deposited in the state treasury to the credit of the supply purchasing fund of the purchasing department. The purchasing agent is authorized to establish a state exchange department to take over on inventory supplies not needed by any using agency which may be requisitioned by other agencies or sold in open market.

Supplies have not been standardized and invitations to bid are made up in quintuplicate copies, one copy of which is filed by the purchasing agent, one posted on office bulletin board, and three sent to prospective bidders with instructions when bidding to return one to purchasing agent, send one to the state auditor and retain one copy. The purchasing department has a storeroom in the state house which supplies the departments located at the capitol. A requisition for supplies is made out by the using agency in quintuplicate, one copy going to the auditor, two to the purchasing agent, one to the storeroom, and one being retained by the agency. If goods are not in the storeroom, or are shipped directly to the department by the vendor, the purchasing department makes out a purchase order in quadruplicate, one copy going to the vendor, one to the receiving clerk, one to the state auditor and one being retained by the department. Vouchers are made out in duplicate and one copy with invoices attached is presented to the state auditor for payment.

Texas

The legal provisions relating to purchasing procedure authorize the state board of control through the chief of its division of purchase to contract for all supplies, save those strictly perishable, for one year beginning April 1 annually. Advertisements for bids must be run in at least four of the leading papers of the state for a period of four weeks, and shall state the nature of the supplies needed and the conditions of bidding. The board may purchase for a period of three months if found cheaper, or it may reject all bids and buy in open market. Other things being equal, bidders, having an established business in the state, are preferred. All bids must be accompanied by a certified check in the amount fixed by the board, and also samples of the goods to be furnished. The successful bidder upon entering into contract is required to furnish a bond equal to one-third of the amount of his bid. Invoices for all sales are required in triplicate, one copy to be sent to the board of control and two to the storekeeper of the using agency. When the goods are received the storekeeper inspects them and transmits one of the invoices certified to the board, which checks and transmits it to the comptroller, whereupon a warrant is drawn on the treasury and the bill is paid. In cases of emergency institutions are permitted to make purchases.

It is not known at time of this writing just what forms and methods are used by the state board of control, which became operative January 1, 1920. Probably it has adopted those used by the office of state purchasing agent, whose duties it assumed.

Vermont

The law requires the purchasing agent to advertise for bids in the manner prescribed by the board of control by giving notice in at least two daily papers published in the state. The board approves all contracts for supplies. It may reject all bids and require the purchasing agent to readvertise, or it may permit the purchasing agent to buy in open market.

In practice, whenever a using agency is in need of supplies the head of the agency makes out a requisition in triplicate on the purchasing agent giving the name and description of the articles, the quantity required, the date needed, the quantity on hand, and the last purchase price. The purchasing agent, upon receipt of the requisition, places an order with the contractor for the supplies needed and has the goods shipped direct to the using agency, while a bill for the same is sent in triplicate to the purchasing office. The order is made in quadruplicate, two copies going to the using agency for checking purposes when the goods are received. Newspaper advertisements for bids are not used unless the amount of goods to be purchased exceeds $500, the result being that nearly everything is purchased by competitive bidding on specifications mailed directly to dealers. In case of emergency, goods are bought and the head of the using agency then notifies the purchasing agent of the purchase and asks his approval of the same.

Wyoming

The law requires all using agencies to submit to the state board of supplies by November 1 of each year detailed estimates of needed supplies. The supplies are to be classified for convenience of dealers. The board is required to advertise annually during November in at least three newspapers of the state, no two of which are in the same county, for bids on supplies beginning January 1, following. Advertisements must state the time and place proposals will be opened and that specifications will be supplied to prospective bidders by the secretary of state. Specifications must state the nature, kind, quality and estimated amount of supplies needed. Each bidder must accompany his proposal by a certified check equal to ten per cent of the amount of the bid. Awards are made to the lowest responsible bidder for each class of goods. The successful bidder at the time of entering into contract must furnish bond to the amount specified by the board. Failure to do so invalidates the contract. The board has the right to reject all bids.

IV—OPERATION OF STATE PURCHASING SYSTEMS

Of the twelve states having fairly well centralized purchasing systems, the systems of only six, namely, California, Illinois, New Hampshire, New Jersey, Texas and Vermont, have operated long enough to warrant a brief statement in each case of the volume of business, the operating cost of the system, and the saving to the state.

California

Since July 1, 1916, the state purchasing department has been buying all supplies for ninety-six departments and institutions of the state. During the two years ending June 30, 1918, the total purchases of the department amounted to $8,320,385, with a saving to the state of approximately $2,000,000. The total cost of operating the department for the two years, including equipment, was $120,248, making a percentage of cost to purchase of 1.45 per cent.[1]

Illinois

During the year ending June 30, 1918, the division of purchases and supplies made and supervised the purchase of supplies amounting to $4,908,875. The expense of running the division for the same period was $28,781 thus making the ratio between the total purchases and the cost of operating the division .58 of one per cent.

Mr. T. G. Vennum, acting director of the department of public works and buildings, says: "The work of the division of purchases and supplies is one which, by reason of the entire lack of spectacularism of all purchasing work, might be overlooked for particular commendation. Yet on the purchasing agent of any large business—even one transacting one-thousandth as much business as the state of Illinois—depends, to a great extent, the success of the enterprise. . . . Suppliers often study carefully to make the state pay a long price where possible, and only conscientious skill can offset the skill of the supplier. Henry H. Kohn rounds out a year as head of the division of purchase and supplies with a record of remarkable work."[2]

Mr. Kohn states the advantages of centralized purchasing as follows:

> One year's experience has taught this division (1) that centralized purchasing makes available to the state the services of experts in buying through co-ordination with the specialists of the various divisions; (2) that purchasing in large quantities instead of small secures uniformity of price and quality for the same article consumed by the different divisions; (3) that it centralizes the point of contact between bidders and the state; (4) that it locates responsibility for determining price; (5) that it establishes an automatic check over deliveries in so far as supplies and materials bought by this division are received and checked by the divisions which consume them; (6) that it prompts the establishment of standards for various classes of supplies consumed by the divisions; (7) that the taking of discounts invites prompt deliveries, lower quotations and reliable competition.[2]

New Hampshire

According to the latest available information the annual purchases of the purchasing agent amount to approximately $675,000 while the cost of conducting the work is about $8,000.[3] This makes the cost of operating equal to 1.2 per cent of the total volume of business done by the purchasing agent.

New Jersey

For the year ending June 30, 1918, the purchasing department placed orders for supplies amounting to $2,602,570.[4] The operating expense of the department for the same period was $22,579, or a ratio of operating expense to volume of business of .98 of one per cent.

Texas

The volume of business done by the state purchasing agent during the past four years has averaged about $2,000,000 per year. The expense of conducting the purchasing agent's office during 1918 amounted to $9,980, which is approximately one half of one per cent of the total purchases. The saving to the state by centralized purchasing for the past four years is estimated at almost a million dollars.[1] However, upon this record and with an experience extending over twenty years, the 1919 legislature saw fit to abolish the office of state purchasing agent and to place the purchasing functions under the newly created state board of control.

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[1] Second Report of Purchasing Department of California, November 1, 1918.

[2] Report of the directors under the Civil Administrative Code, 1918, pp. 165 and 174.

[3] Biennial Report of Purchasing Agent, June 30, 1916.

[4] Report of State House Commission, June 30, 1918.

Vermont

The total annual purchases made by the purchasing department amount to approximately a quarter of a million dollars. The cost of maintaining the department is about two per cent of this amount.[2]

V—CONCLUSIONS

A brief summary of the general principles involved in the organization and procedure of the centralized purchasing systems of the twelve states, which have already been discussed at some length, may be of value to those interested in the subject of state purchasing.

There have developed four distinct types in the organization of the state purchasing agencies, which are in the order of their efficiency as follows: (1) Division of a department under reorganized and consolidated administration; (2) independent department headed by single officer; (3) board of control exercising purchasing functions; and (4) board of *ex officio* members with purchasing powers. The purchasing systems of Illinois and Idaho are examples of the first type. In both cases purchasing is placed under the department of public works. Responsibility for the work is fixed, and full co-operation with other departments under the consolidated administration is established.[3] Examples of the second type of purchasing organization are those of California, New Jersey, Michigan, New Hampshire, Ohio and Vermont. In these states responsibility for purchasing is largely fixed in a single person, called the purchasing agent, who heads a department practically independent of other state departments and agencies. This seems to be the form of organization for efficient purchasing work best adapted to those states which have not reorganized and consolidated their administration. In every case, except Ohio, the purchasing agent is appointed by the governor. In Ohio the purchasing agent is responsible to the secretary of state. In California and Vermont he is under the supervision of the state board of control, and in New Jersey he is under the state house commission. The third type, where the purchasing is left to the state board of control, is found in Alabama and Texas. The board of control is an attempt to consolidate the administration, especially of state institutions, looking toward more efficient management. However, it at once introduces board government, which for purely administrative purposes is regarded as inefficient, unbusinesslike and irresponsible. But even setting aside these objections, a board of control, burdened with fiscal, administrative, managerial and quasi-legislative functions, can hardly be expected to initiate and carry out an efficient system of purchasing. Examples of the fourth type of purchasing organization are those of New York and Wyoming. In these states the authority to purchase is vested in boards composed of state officers serving *ex officio*. The members of such boards are charged with numerous other duties and, therefore, have very little time to give to the purchasing work. The work, if it is to be done, must be delegated to some person or group of persons. This is the case in New York where the purchasing work is delegated to a sub-committee, and responsibility for the results is thereby practically dissipated.

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[1] Nineteenth Annual Report of the State Purchasing Agent, 1918.

[2] Report of the Purchasing Agent, 1916.

[3] "Administrative Consolidation in State Governments," supplement to NATIONAL MUNICIPAL REVIEW, November 1919.

In the development of efficient purchasing methods and procedure, Illinois and California have probably gone further than the other states. All state purchasing agencies make up schedules of supplies from requisitions or estimates furnished by the using agencies, but not all of them attempt to standardize the supplies used. Bids are secured by employing one or all of three methods of advertising, namely, advertising in newspapers, posting schedules on bulletins, and mailing schedules directly to dealers. In most cases only sealed bids are received and must be accompanied by certified checks to insure good faith. Awards are made to the lowest responsible bidder, and usually preference is given to local dealers or home products. Contracts are usually entered into for periods of three, six, or twelve months and bonds are required to guarantee their performance. Practically all of the purchasing agencies order the goods to be delivered directly to the using agencies. California is beginning to develop a system of warehouses, also a staff of testing experts to receive the goods. The important function of inspecting and testing goods is usually left to storekeepers and stewards of using agencies, who do not have the training or equipment for the effective performance of their work. Standard specifications avail little unless there are thorough inspections and tests of all goods received. Several state purchasing agencies are very slow about making payment for goods, and hence do not take advantage of discounts. The Illinois system is perhaps the most efficient in this respect. Revolving funds have been provided for several of the state purchasing agencies, thus enabling the agencies not only to make quick payments but to purchase goods out of season and store them for future consumption.

When using agencies buy their own supplies, they frequently spend more than is necessary, sufficient scrutiny cannot be exercised on the part of the state, and favoritism is often shown in the award of contracts. If properly managed, there is no doubt that a centralized purchasing system for state agencies will prove more efficient and economical than the old method of each using agency buying its own supplies. This statement is borne out by the fact that none of the states which have adopted a system of centralized purchasing has discontinued it, only the organization to administer it has been changed in one or two cases. The operation of a centralized purchasing system ought to contribute very effectively to the success of a state budget system by establishing control over all expenditures for supplies.

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

It is a pleasure to announce that the council has elected as secretary of the National Municipal League Mr. H. W. Dodds of the political science department of Western Reserve University. He will take office April 1.

II

Ten years ago, in 1920, the present governor of Pennsylvania, who then was secretary of this league, summed up twenty-five years of remarkable progress in municipal affairs in his valedictory. Now after only ten years more, how the continuing accelleration of the civic movement in America makes the last decade seem like the release of pent-up waters by the breaking of a dam!

They had solved the municipal problem in 1920, but little more. There were no state-wide civic organizations in any state. The modern county was undreamed of. The single-house legislature was a notion to mention cautiously, lest you be thought a shallow innovator. The house of governors had fizzled out.

In the cities there had developed none of the really great city managers for whose services great corporations now so often bid in vain. They had the city manager plan, to be sure, but no city had as yet adventured with it into any but the most familiar realms of service and those city fathers, if confronted with the performances of almost any city of to-day, would have murmured "socialism" and pointed with horror to the bonded debt.

The possibilities of civic organization had only been glimpsed. A western farm movement had disclosed that instead of the "joiners" in civic endeavor being limited to a dozen men in a township, the membership, despite heavy dues, could be driven to spacious figures. Likewise with programs—the typical enterprises were step-by-step and technical and won the support of only special groups whose hobbies lay in that direction. The power of bold programs hand in hand with an inner organization of good research and technique, had not yet been felt—efforts were either shallow and popular or technical and unsupported. Considering how sensitive the legislatures were to propaganda it seems amazing now to realize how little it was seen that they were the keys to all other questions; that reform there meant rescue everywhere else.

The mere catalog of current blessings that did not exist ten years ago is impressive; for example:

The central testing laboratories of the City Managers' Association which have so largely standardized municipal specifications from pavements to stationery.

The February issue was three weeks late on account of our paper being lost in the New England freight congestion incident to the blizzard.

The bureau of municipalities in the Department of the Interior at Washington, with its comprehensive studies of municipal problems.

The development of the county as a strong and efficient rural municipality unified by good roads, the automobile, and the aeroplane, taking over health, schools, police, and libraries from the townships and villages and adding the great agricultural and marketing services.

The numerous and powerful state civic associations.

The non-partisan ballot in state elections.

The house of governors and the great series of uniform laws prepared by its expert staff and adopted by practically all the states.

Expert, responsible preparation of legislation and elimination of the maze of petty local and private bills.

The new attractiveness of public office to men and women of ability—all these would have seemed as remote and theoretic in 1920 as the city manager or the state budget would have seemed in 1910!

III

To come back to 1920 and brass tacks!

It now costs as much to print this 64-page edition of three thousand copies as it did a year ago to print the bimonthly issue of 108 pages.

The membership of the National Municipal League has been increasing as follows in the last six months as compared with the previous year:

	1918	1919	1920
August..............	3	22	
September...........	4	15	
October.............	11	23	
November............	7	16	
December............	11	19	
January.............		23	70

Obviously this rate of growth will not pay the bills!

We owe the printer alone over $4,000 and have about $1,000 on hand. (The printer is a brick.) We gain a few inches financially per month, but are blocked by financial difficulties in all propaganda work. For example, the five articles we have published in the last few years on the five proportional representation elections that have been held in Ashtabula and Kalamazoo would make a bully pamphlet for charter revision committees—just what they want on this subject—but the cost (about $200) was too much for us!

We had an early copy of the new German constitution—a very interesting piece of construction—but to issue it as a supplement would have cost $90 extra.

And all we ask is that those who can afford it, change from the $5 membership class to the $10 or $25 class, that those to whom the $5 is a sacrifice, stick, and that you all think up a friend or two to whom we may send a sample copy with a letter mentioning your name.

IV

The spontaneous supply of articles for the Review in its present monthly form is less than the consumption and we have to stimulate production by requests. But we do not always know what to request—events that are worth recounting in these columns do not necessarily come to our attention.

The articles that come spontaneously are apt to be abstract personal opinion articles or transcripts of laws on some subject—acceptable often, but too many of them would have the magazine void of freshness.

The articles we ask for are concrete accounts of given local situations that illuminate a principle.

Richard S. Childs.

ATLANTA MOVES TOWARD A MODERN CHARTER

BY FRANK WELDON

Secretary Taxpayers' League, Atlanta, Ga.

This sketch of civic conditions in Atlanta sounds like old times in many a city, but the deadlock by which progress is being forced is rather original. :: :: :: :: :: :: :: :: ::

With a population approaching 250,000 and annual receipts almost reaching $5,000,000, the municipality can barely meet operating expenses—with no funds available for new construction. School facilities are disgracefully short, down town streets are terribly congested, the waterworks are under tremendous strain to supply the fast growing demand.

Atlanta's annual receipts are approximately $20 per capita, of which sum $12 goes for pay rolls, $2 for sinking fund, interest and public debt, 60 cents for street lighting, 60 cents for the city hospital and 30 cents for automobiles and trucks for officials and employes.

Thus we have less than $4.50 per head for the multifarious other activities. So hard pressed is the city treasury, that recently a movement was seriously begun to raise funds by public subscription for the city hospital. Only the shame of it caused the drive to be called off and an emergency tax was levied to complete improvements and to keep the public schools open during December.

There is practically no graft among city officials but the taxpayers believe that there is criminal inefficiency. As a general proposition, salaries are not too high but there are too many of them. Employes do not graft except, occasionally, in a petty way, but outsiders put things over on the city. Not long ago, it was developed in some litigation between contractors, that fees and profits amounted to $5,200 on a proposed city job, the actual cost of which was to be about $7,500.

The impression is firmly fixed in the public mind that the city does not get more than 30 to 50 cents of value for every dollar expended.

Sentiment is strong for a commission-manager form of government. Thus far, public opinion has failed to change the archaic bicameral form, but the commission advocates are always able to beat any bond issue that comes. They are determined not to vote any more money until the present system is changed.

We have one alderman and two councilmen from each of the eleven wards—thirty-three members in all. Just about one-third of these are capable business and professional men and two-thirds are—good fellows. Some of them do not pay any tax except the poll tax which they have to pay to vote, and several pay less than $20 a year. Hence their liberality in voting for appropriations is not surprising.

One of the city's troubles—perhaps not peculiar to Atlanta—is that not enough capable men can be persuaded to run for office and, if they do run, they are attacked, berated and probably defeated. No matter how well qualified he may be, it is almost impossible to elect a Jew, a Catholic, an official of a public utility, a high class business man or any one who has opposed increasing salaries. And yet, if the business men do line up and take an interest in a campaign, they can elect their man every time. They have done it on rare occasions but they seldom take an active part in city politics. The result is, they and the rest of the city are penalized by inefficiency. They are so absorbed in making money while the making is good, that they will not give their time to make Atlanta a better city in which to live. They do not realize that the most brilliant epochs in the history of cities have been those periods when it was considered a man's highest duty to serve his state and when to be called a politician was a badge of honor.

In the campaign for a new charter, which is bound to come some day, it may be found to be expedient to have eleven members of the commission or aldermanic board or whatever the legislative body is called—one from each ward. That number would be two more than Boston has with three times Atlanta's population. A fight will be made to hold the commission down to five members to be elected from the city at large but, if this fails, eleven will be better than thirty-three.

Naturally, most of the city's employes are opposed to a change. If the women had a vote, there would be no question about a short ballot winning, because the suffragists favor it.

In the municipal primary of 1919, the women were allowed as a courtesy and experiment, to register and to vote. It was wholly illegal but it was permitted, and it was significant that in the wealthiest ward, the women registered 60 per cent of the men's voting strength. In the typical white workingmen's ward, the fifth, the women who registered were only 6 per cent of the men's strength.

The negro vote, which is 10 per cent of the total, will probably be almost solid for a change. The negroes know they cannot get any more school facilities under the present system because there never is any money. Besides, they are naturally inclined to vote with big business and the most substantial whites. They have all to gain and nothing to lose by a change in the form of city government.

Some of the leaders of organized labor favor a change, although in the past labor has been the backbone of the policy of electing all heads of departments by popular vote. Atlanta chooses not only the mayor and thirty-three members of the general council at the polls but also five members of the school board, forty-four members of the city executive committee and the heads of ten departments, including the superintendent of construction, the superintendent of the waterworks, building inspector, the electrical superintendent who passes on the movie machine operators, and the city attorney. In the last city primary, the ballots carried the names of ninety-four candidates!

The department heads, elected by the people, are not responsible to the mayor, or to council, or to any one. Hence co-ordination is lacking and instead, we get duplication, overlapping, inefficiency. The police, fire, school, water and park departments are under boards and the boards are largely self perpetuating.

The great idea to be kept in view in framing a new charter is to concentrate authority and responsibility. Now they are so divided and scattered that the mayor hasn't as much authority as a traffic cop.

The "white primary" is the only election that counts in Atlanta. The blacks do not vote in it but any registered white man, be he Democrat, Republican, Socialist or Bolshevik, can vote. There are factions but they do not divide on national party lines. One of the best aldermen the city has is a national Republican, who was nominated and elected by the city at large over a Democrat.

The old custom of buying votes at the polls has died out—not because the sellers had a change of heart but it was growing more and more expensive and came to be considered bad form. In place of the old practice, candidates have substituted the employment of paid workers or propagandists who are employed from two days to a month in advance of the primary. It is perfectly legal for a man who has been engaged as a propagandist, to volunteer his services for his candidate on election day.

These paid professional propagandists have not yet organized a union or gone on a strike, but they are demanding 50 to 100 per cent more pay than they used to get. The rising cost of living spares no vocation!

Atlanta uses the Australian ballot in the primaries and the voting and the count are honest—95 per cent honest anyway. The elections are not corrupt or crooked for there is little inducement for a candidate for alderman or council to spend money lavishly—because their salaries are only $25 per month—$300 per year. A year's prospective salary is about as much as the average candidate will spend to get elected—or defeated.

Atlanta's taxes are not burdensome. Improved real estate pays from $4 to $7.50 per $1,000 of actual value. Unimproved real estate pays from $3 to $4 per $1,000 of fair value. This variation is due to variations in the assessments. As there is no way to determine the exact value of a piece of real estate, the assessors estimate it and, usually, they are considerate of the taxpayer. Improved properties are frequently sold for two to three times their assessed values. The average property owner has no just ground to complain about the amount he has to pay, but it is the way that it is spent that peeves him.

Two or three times the voters have declared for municipal ownership of public utilities as an abstract proposition but, in April, 1919, when they had a concrete proposition before them, they defeated it by a considerable majority just as Detroit defeated municipal ownership the same month. Of course, a municipality which can barely keep its schools open, which just does maintain its streets in passable condition and which cannot afford the money to have a survey made or its public utilities valued by competent experts, is utterly unable to invest millions in acquiring and millions more in operating and expanding great public utilities on which the city's commercial life depends. The city cannot find $100,000 with which to properly house a million dollar battle picture which, fortunately it owns. The treasury is not in position to take advantage of a 15 per cent discount on $100,000 of its outstanding notes.

THE TRAINING OF CITY MANAGERS

BY CHESTER C. MAXEY

Supervisor, Training School for Public Service, New York Bureau of Municipal Research

One of the commonest challenges in campaigns for the adoption of the commission-manager plan is the query—"Where can we hope to find an expert city manager?" Partial answers can be offered, but it is undeniable that the supply is seriously behind the demand. :: ::

DESPITE the amazing spread of the manager plan of municipal administration with its record of superior city government, its ten-year history reveals one disappointing feature. The 1919 year-book of the city managers' association notes the fact that of the 229 men who have been appointed as city managers, 101 are no longer in the work and that of the 128 managers now in the field only 44 have served two years or more.

A WEAKNESS OF THE MANAGER PLAN

Here are indications of a condition with dangerous possibilities. The success or failure of the manager plan in any city is very largely contingent upon the character and qualifications of the person chosen as city manager; and when cities are changing managers with great frequency and nearly 70 per cent of the managers in the field are practically novices, having no more technical preparation than the ordinary elective mayors whom they replace, it indicates that the day of transient amateur municipal executives is not yet over.

Something more than personal affability, political acceptability, and local residence are needed to succeed in the position of city manager. The problems and affairs of even a relatively small city are as complex and specialized as those of a good-sized private corporation and infinitely more vexing. To assume, therefore, that it requires less in the way of special preparation and experience to conduct the business of a city than to direct the affairs of a bank, a department store, or a manufacturing concern, is a profound error. In the early years, when the manager plan was new, there was an excuse for selecting poorly equipped and inexperienced men as city managers; but ten years of growth and experience should have developed a much larger number of trained and experienced men who could be called from city to city as municipal executives are in Europe and as corporation executives are called from corporation to corporation in this country. There have been, to be sure, about twenty promotions from city to city and several managers have moved upward twice, taking with them a rapidly ripening experience but that there are not more such cases is principally the result of two causes: namely, the disposition of a certain minority list of local authorities who employ city managers to allow parochialism to prejudice them in behalf of local favorites and to blind them to the importance of special education and experience, and the fact that opportunities have not existed for men to obtain the education and experience necessary to qualify them for public service.

WHY LOCAL CANDIDATES SHOULD NOT BE FAVORED FOR MANAGERSHIP

It is natural when a high salaried position is created in a city government that the residents of the city and their representatives in the city council should want to see the position filled by a local man; and yet the tendency to resort to local talent is a positive menace to the continued success of city manager government. This does not mean that local brains are inferior or that local talent, if conspicuously superior, should be unrecognized and unrewarded; but it does mean that every local man has disqualifications which handicap him from the start and may undermine the success of his administration. Chief among these are the following:

1. A local man is often too well known to inaugurate and conduct successfully a new system of administration. Past incidents in his career will always crop up to become storm centers of criticism and controversy which have little or no relation to the merits of his work as city manager.

2. A local man usually has no special equipment for the job and no experience in other cities, and thus he is unable to give the city the benefit of ideas and experiments that have been developed and tried out elsewhere.

3. If a local man does develop notable capacity for the work, he will soon be tempted with offers from other cities; and if he accepts and is replaced by another local man, the city becomes a sort of training school for managers of other cities which are keen enough to realize the value of importing trained and experienced men from outside.

4. A local man is likely to lack independence and vigor because the loss of his position will mean either the termination of his public career or removal to another city at the cost of long-established personal or property attachments. If he is indifferent to the latter, he will ignore improper influences; but if not, he will surely be tempted to trim his sails to all political winds, which will not be good for the business of the city. Indeed, cases have not been unknown in which a local man was chosen because his pliability, yes corruptibility, was known in advance by a venal board of commissioners, which had been unable to rely on those qualities in outsiders.

In view of these facts it would seem prudent for a city never to commit itself to the policy of preferring a local man as city manager; and probably it should not even determine positively to recruit the leading heads of departments from local talent entirely, as there are many cases where cities could enormously improve their services by securing men trained elsewhere to serve as public works engineers, accountants, public health specialists, and the like.

THE TRAINING AND EXPERIENCE NECESSARY IN THE MAKING OF A CITY MANAGER

The kind of training and experience that should be demanded of the manager, whether he be a local man or an outsider, is a matter that has never received adequate study. The statistics compiled in the 1919 year-book of the city managers' association shows that 63 per cent of the managers are college graduates, and that before entering their present profession 48 per cent of them were engineers and 25 per cent business men. It also appears that 82 of the 128 managers have had some previous experience in public service and that 60 per cent of these have been in public engineering work. It is to be expected, perhaps, that the preference should have been given to engineers, particularly in the smaller cities where local improvements seem to be the principal function of government; and that business men should stand second in order of preference is also easily explainable. Upon casual consideration probably most persons would assume that men of engineering and business training and experience ought to make the best city managers. As a matter of fact, however, that assumption is practically groundless, being predicated upon a very meagre knowledge of the real problems of city management and being refuted now by the experience of dozens of cities.

What is there about the education and experience of the engineer, even the engineer in municipal work, that especially qualifies him to become the chief executive of a city, in charge of all of its administrative activities? True, public works constitute a large part of the activities of every city, but technical engineering is a small part of the administration of public works and the man who possesses the necessary qualifications for technical work does not necessarily have any capacity for administration and management. There is in fact very little in the training and experience of the average engineer, even on municipal work, that would impart to him a peculiar fitness for city management. Underlying and common to all of the specialized phases of municipal administration are certain broad and basic problems, such as taxation, budget making, funding, purchasing, management of personal service, accounting. Does engineering instruct one in these matters? Does engineering, furthermore, endow one with a good working knowledge of the problems of police administration, fire protection, institutional management, charities, corrections, recreation, education? Certainly no one would ever contend that it does.

Likewise no one would insist that the training and experience of the average business man should equip him to cope with these problems of municipal management in any better fashion than the engineer. And the same may be said of all other callings.

The fact is that the problems of public administration are unique, and call for a unique training.

The city manager in order to superintend the complex affairs of a large city must not only possess unusual executive ability, but must be acquainted with public finance and accounting and must have a working knowledge from the administrative standpoint of all of the functional activities of a city government. Most city managers have had to acquire this full-rounded training and experience after taking office, and the consequences have not always been happy.

THE METHODS OF THE TRAINING SCHOOL FOR PUBLIC SERVICE

But if a manager is not to secure his training after taking office and at the expense of the taxpayers, he must have the advantage of education for his special task. Such education has been very difficult to secure, because most of the educational institutions which have offered courses preparing for city manager work have been unable to supplement their formal courses with practical experience. In this particular, the training school for public service of the New York bureau of municipal research is different. The New York bureau of municipal research is primarily a research organization and the members of its staff devote themselves principally to scientific studies and investigations in the field of public administration. Having surveyed over 100 cities in all parts of the country, a half-dozen counties in various states, and two states, the bureau has accumulated a vast store of information about the methods and technique of public administration in the United States and has evolved standards for their betterment.

The training school for public service is conducted as a supplementary activity of the bureau in order that persons desiring to prepare themselves for public work may profit by the experience of the bureau and come into contact with its specialists. The method of instruction in the training school is unusual. While formal lectures and assignments of reading are not dispensed with, the students learn most by doing practical work under the supervision of members of the staff. When conditions permit, students preparing for executive positions in public life are taken into the field with members of the staff who are conducting surveys, and used in the less important work of the survey. When administrative problems arising in connection with a particular piece of work are discussed in staff conferences, training school students are present to profit by the discussions and to participate in so far as they are qualified. Needless to say the student soon acquires a clearer conception of government as a going concern and a better grasp of the fundamental principles of management, than could be obtained by any amount of contact with books alone. And the natural consequence is that the students of the training school are apt to develop a practical sense and maturity of judgment that come from experience as well as the background and vision that come from well-rounded study.

Some conception of the character and scope of the city manager training may be had from the following list of the subjects included in the course of study:

The structure and organization of municipal government.

Municipal charters.

The relation of the city and the state.

Municipal home rule.

Statistics.

Civil service and salary standardization.

Assessment and collection of taxes.

Debt policies and fund management.

Budget making and administration.

Government purchasing.

Government accounting.

Management of municipal public works.

Street cleaning and refuse disposal.

Management of parks and playgrounds.

Public health administration.

Management of charitable and correctional institutions.

Police administration.

Fire administration.

Municipal public utilities.

Management of public education.

It is not contended that in this or any school city managers can be made to order, but only that the development of such schooling at New York and elsewhere is due to be an important factor in rounding out the success of the commission-manager movement.

INITIATIVE, REFERENDUM, AND RECALL VOTES OF 1919

BY RUSSELL RAMSEY

Under the arrangement with the late Charles Fremont Taylor by which we absorbed "Equity," we are pledged to gather annually all information obtainable regarding the operation of the initiative, referendum and recall in the United States. :: :: :: ::

THIS inquiry was instituted primarily to locate and review cases of the use of the initiative and of the kind of referendum that involves a petition which compels the suspension of a new law or ordinance and its reference to a popular vote.

Politically 1919 was an off year almost everywhere. Eleven "initiative and referendum" states held no elections of any character. Of two states which held elections for candidates, the initiative and referendum was used in one; of five states holding special elections called by the legislature, the initiative and referendum was used in two. The nature of the measures submitted, and the result of the vote, may be summarized as follows:

Proposed by	*Adopted*	*Rejected*	*Total*
Initiative petition ...	0	3	3
Referendum petition.	8	2	10
State legislatures....	12	7	19
Totals.........	20	12	32

Despite special clipping service, dragnet letters of inquiry, and the examination of the data regarding 154 questions that were submitted in various places, only one example was found of a popularly-initiated municipal referendum vote in 1919—in itself an interesting and significant fact to both the friends and foes of this institution.

This case was in Oakland, California, where it appears that the members of the fire department secured the two-platoon system by an appeal to the people over the heads of the city authorities.

STATE REFERENDA BY PETITION

As compared with the highest vote cast in state elections, where candidates were also voted for, the average vote cast on the highest referred measures was 92 per cent; that on the lowest, 79; and the average on all measures, 85 per cent. As compared with the total number of ballots cast in state elections, at which only referred measures were voted on, the average vote cast on all measures was 95 per cent.

Of all referendum elections held during 1919, probably the most interesting and important was that in North Dakota, where an unusual situation arose. In this case, instead of being invoked by a progressive or liberal element against a conservative or reactionary legislature, as is ordinarily assumed to be the function of the referendum, it was used by the conservative element, represented by the independent voters' association, against seven measures passed by the legislature controlled by the non-partisan league, and the operation of these measures suspended until the question of their acceptance was answered by the general electorate. These seven legislative acts were: (1) senate bill no. 157, creating a state publication and printing commission; (2) senate bill no. 134, creating a board of administration for the management of penal, charitable, and educational institutions and public schools; (3) senate bill no. 67, providing for the appointment of a state tax commissioner with extensive authority; (4) house bill no. 123, creating the office of commissioner of immigration for the purpose of bringing settlers, investors, and industries to the state; (5) house bill no. 17, creating an industrial commission to manage state utilities and industries; (6) house bill no. 124, reorganizing the judicial districts and system; and (7) house bill no. 18, establishing a state bank. As the result of an exceedingly hard and bitter campaign all seven of these laws were approved by majorities of from 6,814 to 10,917, the total number of ballots cast being 111,814. The smallest vote cast on any of the laws was 98 per cent of the total.

Maine voted on and adopted five constitutional amendments submitted by the legislature. These amendments provided: (1) for regulating the militia; (2) for empowering a voter to vote for state officials in the town where his voting residence has been established, for a period of three months after his removal to another town; (3) for a bond issue to establish adequate port facilities in the state; (4) for increasing the state debt; and (5) for increasing state highway bonds.

The voters of Massachusetts passed affirmatively on the rearrangement of the constitution submitted by the constitutional committee. They also had before them a referendum question growing out of an act passed by the legislature in January, 1919, prohibiting the payment of interest on savings bank deposits of trust companies more often than semi-annually and from monies which had been on deposit for the preceding six months. This was promoted by conservative banking interests to head off the practice starting among progressive bankers to pay interest on money on deposit less than six months and pay it monthly if desired. On April 28, a referendum petition was filed against this act by the progressive banking interests. The legislature on July 18, 1919, reversed its former action, permitted payments of interest according to the by-laws of the individual bank, from one to six months, and the people at the election approved the latter act of the legislature by a majority of 46,724 in a total vote of 367,548. Voters in separate legislative districts also passed on the question of instructing their legislators to vote for legislation regulating and licensing the manufacture and sale of beverages containing not over 4 per cent of alcohol, and to define such beverages as non-intoxicating. From the returns received it appears that all senators and representatives were so instructed, except only thirteen members of the lower house.

Five referendum questions were submitted to Ohio voters: (1) defining the phrase "intoxicating liquors"; (2) repealing state-wide prohibition; (3) ratifying national prohibition; (4) providing for the enforcement of state prohibition; and (5) classifying property for purposes of taxation. Of these, (1) and (2) were submitted by initiative petition, (3) and (4) by referendum petition, and (5) by the legislature. According to the figures furnished us by the secretary of state, all five measures were rejected; but some of the results, notably the vote on federal prohibition, are being contested.

Illinois, in addition to electing delegates to a constitutional convention, by its advisory referendum process, passed on three questions of public policy which were submitted to the voters; namely, (1) an initiative and referendum provision for the new constitution; (2) the "gateway" amendment, a provision that the initiative and referendum amendment, when embodied in the new constitution, shall be separately submitted to the voters, to take effect, if approved, as part of either the old or new constitution; and (3) a provision for the new constitution permitting state or municipal ownership of public utilities. All three questions were approved by substantial majorities.

On initiative petition in Michigan a constitutional amendment was submitted to the voters relative to the importation, buying, and selling of beer and light wine, which was defeated by a majority of 207,000 in a total vote of 852,000, a larger vote than that cast for governor by 200,000 votes. The legislature also submitted two amendments: one, authorizing the state to issue highway bonds, was adopted; the other, relative to changes in salaries of public officers, was defeated.

The legislature of Oklahoma submitted five constitutional amendments: (1) raising debt limitation counties from 2 to 6 per cent of assessed valuation for permanent roads; (2) permitting the legislature to locate an industrial and reconstruction hospital outside the seat of government; (3) permitting the issue of state bonds for the payment of interest on irrigation bonds, and providing for repayment; (4) to bond the state for not more than $5,000,000 to promote reclamation in land settlement projects, and (5) for the election of a lieutenant-governor. Of these only the first and third were adopted. Four legislative acts were also referred to the people for action: (1) a statute to appropriate $2,500,000 to be raised by the sale of bonds for building the proposed Roosevelt coast military highway provided the federal government appropriates same amount; (2) a statute to bond the state for $5,000,000, to construct various hospitals, educational buildings, armories, penitentaries, and reclaim arid swamp and logged off lands for returned soldiers; (3) a statute providing that honorably discharged soldiers, sailors, and marines of the state be granted not more than $200 per year for expenses if attending any public or private educational institution in Oregon; and (4) a statute to levy an annual tax of one mill on all taxable property and apportion it among the counties for the construction of market highways. Of these four measures all but the second were adopted.

The voters of Oklahoma defeated a proposal offered by the legislature for a bond issue of $50,000,000 to begin a system of hard-surface state roads; the kind of roads and details were indefinite.

RECALL ELECTIONS

Two instances of the recall were found—Colorado Springs where an attempt to recall Mayor Thomas was defeated at the polls, and Charlotte, North Carolina, the story of which was told in detail in our January issue.

Further details from Oakland and Colorado Springs are being sought for publication here later if found to be of interest. If any reader knows of other cases of initiative, referendum, by protest, petition or recall, please report it.

ORDINARY REFERENDA

In several other states various issues were submitted by the legislature to the people at the November election.

In New York four constitutional amendments were submitted. Of these, two were adopted; one to provide for absentee voting; the other, mysteriously known as the "swamp amendment," declaring the use of property for the drainage of swamp or agricultural lands to be a public use and providing that the compensation and cost of such drainage may be assessed wholly or partly against any property benefited thereby. The remaining two amendments, providing for salary increases for the members of the legislature and judges of the court of appeals, were decisively defeated.

In Kentucky two constitutional amendments were approved, one for state prohibition and another prohibiting mob law.

Texas voters adopted constitutional amendments authorizing the city of Galveston to issue bonds for building levees, and increasing the pensions of confederate soldiers. Four other constitutional amendments were defeated, together with a proposal for a constitutional revision convention.

MUNICIPAL REFERENDA

Among the cities, beside the usual grist of votes on bond issues and charter alterations, several constantly recurring items will be observed, traceable to post-war and high-price conditions.

A number of Massachusetts cities voted individually on the acceptance of certain legislative acts. The act to provide for the division into day and night forces of permanent members of fire departments, known as the two-platoon system, was accepted by the cities of Haverhill, Pittsfield, Somerville, Fitchburg, New Bedford, Lawrence, Revere, and Taunton, and was rejected by Brookline. All of these cities, and in addition Holyoke, North Adams, Medford, and Waltham, also accepted the act relating to the establishment and maintenance of continuation schools and courses of instruction for employed minors. Somerville accepted also an act providing for biennial elections.

New Haven, Connecticut, voters confirmed by referendum vote the question of establishing a municipal ice plant and of issuing bonds for not more than $500,000 to pay for it.

Niagara Falls, New York, at a special tax election on November 18, vetoed by referendum the proposal to issue bonds for the acquisition of a certain plot of ground on which to establish a civic center. Auburn, New York, indorsed the two-platoon system for the fire department.

The two-platoon system for firemen was also a referendum issue in several New Jersey cities; Jersey City, West Hoboken, and West New York approving, while East Orange disapproved. West New York also defeated a salary increase for the mayor and members of the council. Hoboken, on the other hand, by referendum, increased the salaries of the mayor and commissioners, while Perth Amboy increased police salaries, and Newark and Kearney increased both police and firemen's salaries.

Passaic voters approved increased salaries for firemen and a municipal water works, but defeated an increase in the salary of the commissioners and the firemen's monument project.

In Ohio, Youngstown affirmed an increased tax levy and Canton negatived a similar question. Newark by referendum adopted the two-platoon fireman system.

The voters of Chicago voted on two important referendum questions, approving the abolition of party primaries for aldermen and providing for nomination by petition and a non-partisan ballot, and defeating by a comparatively small margin the bill to reduce to fifty the number of wards in the city. The latter measure was declared carried on unofficial figures, but the official count reversed this result.

Two other Illinois cities resorted to the referendum, Rockford to indorse a bond issue and an increased school tax rate, and Bloomington to establish a sanitary district.

In Michigan, Saginaw sanctioned a six-cent trolley fare. Kalamazoo rejected a bond issue for a municipal electric light plant to sell light to household and commercial consumers. Grand Rapids adopted a series of charter amendments providing for direct legislation by initiation, valuation of public utilities, municipal markets, an increased tax rate, and bond issues for city hospitals and new schools.

In Wisconsin, Duluth negatived by a vote of almost two to one the proposition that the city acquire the street railway system. Oshkosh voted to establish a municipal fuel yard and an ice plant; only the first of the projects was achieved, however, the appropriation for the ice plant being insufficient. Madison and Sheboygan both passed favorably by a large majority on the soldiers, sailors, and marines' bonus law.

By a special act of the legislature Lincoln, Nebraska, voted on the question of acquiring the Lincoln traction company, the result being against the proposition.

In Iowa, Des Moines approved the purchase of the local water plant and authorized a six-cent trolley fare; Burlington went a step further and approved a seven-cent fare.

Denver, Colorado, defeated two referred ordinances, both relating to a change of the street railway fare. Colorado Springs defeated three referred ordinances—one relating to places of public entertainment; one for the municipal purchase of the local light, heat, and power plant; and one for the municipal ownership of the local traction system.

Portland, Oregon, increased the tax levy from 8 to 11 mills.

In Washington, Spokane negatived the proposed municipal purchase or development of a hydro-electric power plant; adopted a charter amendment fixing the commissioners' bond; and defeated two other charter amendments, one making street railway companies liable to the city for damages sustained by it, and one increasing the commissioners' salaries.

The voters of Baltimore county, Maryland, passed favorably on the question of a charter commission to frame a new form of government for the county.

Lexington, Kentucky, approved bonds to the amount of $1,275,000 for schools, streets, a war-memorial building, and a city hall and auditorium; while in the same state Paducah, in addition to indorsing bonds for $500,000 for schools and sewers, voted to retain the commission form of government, and disapproved a bond issue of $100,000 to enlarge the municipal lighting plant for commercial-lighting purposes.

An amendment to the street railway franchise, permitting a seven-cent fare, was defeated by the voters of Jacksonville, Florida.

MAKING THE WORLD SAFE FOR GENEROSITY

CLINTON ROGERS WOODRUFF

This year, national, civic and social associations in petitioning the public for funds will begin to say that they have met the standards of the National Information Bureau (New York) which is attempting to make the charity dollar do an honest dollar's work. :: :: ::

The war is won. The war fund drives, joint and single, are for the most part matters of history. We have emptied our pockets. The nation has acquitted itself nobly.

So much admitted—and admitted with a profound realization of the personal heroism, the persistent unselfishness, the astounding effectiveness, displayed by thousands of war-workers—it becomes proper and perhaps even profitable to consider briefly the other side of the shield.

There was a time, not so long past in months and days, though remote enough from our present temper, when it was a simple matter to launch a war charity. One needed, first, a lady, preferably a lady with a position in society (either as a background or as an objective). To the lady one added a committee. The committee was usually composed of delegations from the ranks of other ladies similarly equipped but a little less aggressive than the leading lady, and from large business interests. The business men were acquired, without much difficulty, by any sufficiently persistent lady, and if she happened to be of magnetic personality they fairly elbowed each other for an opportunity to champion her. They seldom paused to inquire very deeply into the cause she represented.

For there usually was a cause. It didn't much matter what it was, so long as it was conceivably related to the war and looked overseas for its ultimate effect. Sometimes several groups of earnest ladies happened on the same cause, in which case an observant bystander was reminded, oh, so faintly, of the behavior of six sparrows who simultaneously discover the same chunk of stale bread.

THE SOB-SISTERS

Given the lady, the committee and the cause, and the charity was under full swing. It was the easiest thing in the world to find a skilled, aggressive publicity man or woman. They abounded. They forsook relatively conservative professions like daily journalism and oil stock selling to offer themselves on the altar of war work, at so much per offer. A full-throated campaign of sob-stuff was initiated over night. Editors already tearing their hair at the sight of their morning mail, to which government departments, state councils, national agencies, and unofficial cranks were contributing their prodigious bit, were besieged with fresh appeals whose poignancy was directly proportioned to the publicity appropriation.

Postmen fainted. Multigraph manufacturers bought Rolls Royces. Office boys struck at emptying the waste-basket oftener than once an hour. But the public kept right on paying.

Whether because of the avalanche of publicity or in spite of it, the American pocket gaped permanently. The ladies sold buttons. They tagged the passer-by. They danced, æsthetically and otherwise. They sold old ball-gowns at rummage sales and bought new ones for charity hops. They bustled around with pledge-cards. They wheedled millionaires. Reluctantly, they loaned their photographs to the editor. They wrote books. They wrote begging-letters. They kissed the highest bidder. And they got the cash.

What they did with it, some of them hardly knew. They honestly thought they were doing good with it, and so they were—with what was left after the publicity man and the printer and the première danseuse had been paid. But the idea of rigid accounting was foreign to their experience. They did not flout sound business principles; they just hadn't been introduced to them. And they were too terribly rushed, anyway.

This is not fancy, but fact. A well known New York woman has admitted blandly that she really had no idea how much money she raised. An organization, to which the district attorney gave some attention, was conducted for months by a gentleman who kept its accounts under his hat, according to the statement of his paid assistant.

And how much effort was wasted! There was a little hospital in France, conducted by a number of ladies who fell out sadly. One good angel, being set upon by a hostile majority, withdrew altogether, leaving a large check in the hands of an executive as the basis for further disagreements. The remaining ladies soon quarrelled violently with the executive, expressing their sentiments by neglecting to pay her salary, while she retaliated (so they said) by running up huge expense accounts and finally by emptying the hospital and taking herself back to the states. Meanwhile the cause, needless to say, languished, though in itself it deserved well of the giving public.

THOSE "BENEFITS"

"Benefits" that do not benefit have been a notorious factor in charitable operations ever since it was discovered that the army and navy bazaar in New York (according to the statement of the assistant district attorney in an official report) produced a net sum of $645 for relief after $72,000 had been taken from a festive and friendly public.

That was back in 1917, but the lesson, unfortunately, was *not* learned once for all. Since the armistice a committee engaged in war relief has been responsible for four benefits of various sorts, all fashionable and decorative, the average expenses of which have been 79 per cent of the gross revenue. In two cases the outgo was considerably in excess of the entire receipts. Not only did every dollar so "given" find its way into some pocket—no doubt a deserving one *per se*—which had no conceivable relation to the work in question, but it took with it a generous slice of some other dollar. Unlucky enough both for the giver and for the theoretical beneficiary! This was not foreseen by the well-meaning committee, perhaps—but it should have been.

Sometimes the thing was done in cold blood. A performance for the benefit of a "morale fund" was projected, from which—had the federal government not intervened—80 per cent of the proceeds would have been taken, *according to contract*, by the professional promoter. His morale, at least, needed no fortification.

THE COMING OF ORDER

Out of this welter of selfishness masquerading as mercy, amateur incompetence elbowing scientific relief, and good men and women scrambling for an opportunity to help others—or themselves—came the fine, substantial service of America to a broken world. Appreciable aid was given to the really constructive forces by the critical activity of the National Information Bureau. This was originally the joint agent of a number of the larger war chests, which had organized it as a means of securing disinterested information about the hundreds of appeals for appropriations with which their trustees were bombarded. With millions of dollars of public gifts thus mobilized behind it, the bureau was in a position to take an influential stand for responsible, sensible, effective methods. Adopting a set of standards which called for full accountability to the public, and which deprecated such abuses as solicitation on commission, topheavy entertainments, and duplication of effort, this investigating agency soon rallied the genuinely useful organizations to its platform and was thus enabled to deal effectively with the others.

One of its inflexible requirements for endorsement was that the society in question must have its accounts audited at least annually by a certified public accountant or trust company. Forty-four war relief funds adopted this essential safeguard at the suggestion and with the help of the bureau. More than a score of unwarranted or inflated appeals were either entirely headed off or materially reduced as a result of its negotiations. In a year's study of war charities, the bureau was actually forced to refuse endorsement to more organizations than it found worthy—109 to 97—and many of those which it did endorse eventually changed their methods for the better before endorsement was possible. The improvement in financial methods, direction of effort, and general efficiency, which resulted from its constructive suggestions, cannot be measured by any figures.

The leverage exerted by the bureau has been applied chiefly by confidential reports to its members, whose gifts since these inquiries were begun have totalled more than forty million dollars. Successive lists of endorsed war charities, given to the press and issued in pamphlet form, served to protect the general public. In cases of demonstrable fraud the bureau has co-operated fully with the public authorities.

NEEDED IN PEACE

While the muddle of the war charities thus called the bureau into being, it actually met a need which had been felt and expressed by social workers and by the public for at least twenty years. An essential factor in recent charity movements has been the attempt to standardize and evaluate local philanthropic enterprises, with an eye to the conservation, for the benefit of thoroughly responsible agencies, of charitable resources. These resources are not unlimited, as the present status of war relief clearly indicates. A similar service, from a somewhat different viewpoint, has been rendered by the charity investigation committees of many chambers of commerce, notably those in Cleveland, Chicago, and Rochester, New York.

While some attempts had been made by local investigating bodies to exchange information, no effective mechanism for the study of interstate and national solicitations had been found prior to the formation of this bureau. A conference of business men, community chest officials, and social workers, which met last summer to review its work, decided, therefore, that it should continue its service after the lapse of the war relief enterprises and extend its investigations to all organizations asking funds from the public (except on a limited local basis) for social, civic or philanthropic purposes. The board of directors was so constituted that it represents both the groups which are vitally interested in charity endorsement: the contributing public and responsible social work executives. Suitable safeguards are provided to insure full impartiality of action.

When all is said and done, these solicitations do need investigation. Fine as is the record of scores of long-established, level-headed, substantial societies, they are constantly forced to compete for support with fly-by-night schemes, shoddy appeals, disingenuous enterprises of half-commercial and wholly selfish character, and even with downright frauds. Clearly, the agreement of the reputable organizations to maintain accepted standards is the first and necessary step toward adequate control of the unworthy ones.

There are quaint but parasitical negro organizations which go on year after year collecting a copper here and a quarter there for hypothetical or ill-conducted orphanages—the Sons of God, Saints of Christ, and Daughters of Jerusalem, for instance, or the relief committee of Hebrew settlement workers, whose ebony elders claim to be the only true Hebrews and to speak a divinely inspired language. There are publications without number which send their solicitors from house to house to make shadowy claims that the proceeds are used for various charitable purposes. Every year there is a fresh crop of wholly superfluous societies which attempt to duplicate the work of others already well serving their respective ends.

There is an excellent "home" in an eastern city which through some lapse of good judgment allowed a manufacturing concern to peddle its household wares on the understanding that 10 per cent of the net profits should go to the "home." The confidential instructions to the salesmen-solicitors of this company, as published in the daily press, deserve still wider publicity:

"'Good morning' or 'good afternoon' (as the case may be)" they were directed to say. "'I am representing the —— home. Our home is located at ——. Here is a picture of the home!' (Pause for a second, but continue before your prospect can ask a question.)

"'The work we are doing at the home is truly wonderful. . . . Here are some of the children.' . . . (At this point lower your voice to a real confidential tone. This gives your prospect the idea that your story is intended for her ears alone.) 'There is one case in particular,' . . ." and so on.

One is reminded of the good lady who, innocently enough, wrote as follows:

"I do not think our membership fee could be called a voluntary contribution, as our members are enrolled by solicitors in the field"—by force?

In correcting abuses, discouraging unwarranted appeals, and building up a sound financial technique on the part of the really deserving societies, the bureau makes use of a definite set of standards formulated by its board of directors, which, as has been said, is unique in its joint representation of the contributing public and organized social work. It contains such men as Samuel Mather, of Cleveland; Paul D. Cravath, of New York; Rush Rhees, of the University of Rochester; George Wharton Pepper, of Philadelphia; C. A. Severance, of St. Paul; Samuel Insull, of Chicago; and among social workers Owen R. Lovejoy, of the National Child Labor Committee; Allen T. Burns of the Carnegie Corporation; Willoughby Walling of the

Red Cross; and Lawson Purdy of the National Municipal League.

THE PRESENT STANDARDS

1. Active and responsible governing body holding regular meetings, or other satisfactory form of administrative control.

2. A legitimate purpose with no avoidable duplication of the work of another efficiently managed organization.

3. Reasonable efficiency in conduct of work, management of institutions, etc., and reasonable adequacy of equipment for such work, both material and personal.

4. No solicitors on commission or other commission methods of raising money.

5. Non-use of the "remit or return" method of raising money by the sale of merchandise or tickets.

6. No entertainments for money raising purposes, the expenses of which exceed 30 per cent of the gross proceeds.

7. Ethical methods of publicity, promotion and solicitation of funds.

8. Agreement to consult and co-operate with the proper social agencies in local communities with reference to local programs and budgets.

9. Complete annual audited accounts prepared by a certified public accountant or trust company showing receipts and disbursements classified, and itemized in detail. New organizations which cannot furnish such statement should submit a certified public accountant's statement that such a financial system has been established as will make the required financial accounting possible at close of prescribed period.

10. Itemized and classified annual budget estimate.

Since the bureau is endeavoring to bring about a progressive improvement in social service methods it has also formulated certain recommendations, as follows:

1. The discontinuance of (a) street soliciting; (b) the sale of tags, buttons, etc.; (c) the raising of funds by placing collection boxes in stores, etc.; (d) entertainments for revenue.

2. Careful consideration of publicity methods for the avoidance of misleading impressions.

3. More careful attention to budget making, including budgets for local communities.

4. The adoption of the duplicate receipt and voucher system.

These will arouse a sympathetic murmur of approval from a long-suffering public. But the bureau does not now consider these additional details in reaching its decision as to the worth of a society under investigation.

Endorsement is based on the extent to which the organization conforms to the ten standards, supplemented by such inquiry as may be necessary in any particular case to determine the actual spirit and character of the work done and the agreement between the society's promises and performance. Experienced investigators secure necessary, pertinent information wherever it is to be found. The bureau has confidential relations with foreign correspondents and co-operates fully with responsible local investigating authorities.

The service of the bureau as a purely protective agency has been and will continue to be considerable. The prevention by the bureau, during recent months, of a single undesirable campaign for many million dollars, for which national headquarters had been opened and a campaign manager secured, represents a saving of charitable resources that in itself more than repays the expense of maintaining the bureau for many years. But still more important is its influence in building up desirable practices in social work, in strengthening the hands of the self-respecting societies against irresponsible and disingenuous promoters, in actively furthering effective co-operation between parallel agencies, in reinforcing every genuine effort for social betterment.

In this endeavor the bureau deserves, and is already securing, the co-operation of substantial social organizations on the one hand, and chambers of commerce, civic clubs, and many careful givers on the other. It is trying to make the world safe for generosity.

ENDORSEMENT OF CHARITIES BY CHAMBERS OF COMMERCE

BY ROBERT W. KELSO

In over a hundred cities the chambers of commerce have taken on the function of checking up the local social agencies that appeal to the public for contributions. :: :: :: :: :: :: ::

The widespread movement for the regulation of charitable undertakings by chambers of commerce is the intermediate stage in a process of community supervision that has three distinct steps. Beginning in the '80s many charity organization societies yielded to continuous inquiry from subscribers as to the conduct and standing of the charitable agencies with which they came in contact, and developed "investigating departments." Their first object was to inform the inquirer, usually a prospective contributor, as to the value and worthiness of the enterprise. From this point of view they broadened to the rôle of community overseer of the charity group. This was the first step in the process.

In the capacity of community overseer, the charity organization society, however, found its limitations too great. It was itself a charitable agency and as such to some degree a competitor before the donating public. The need of neutral oversight became urgent, the necessity for protecting the community remaining constant. Charities multiplied; they overlapped in their activities; they vied with each other for support; and the contributor was much confused in his giving.

Now it so happened that the majority of those contributors found themselves united for business purposes. They were members of chambers of commerce or boards of trade. They could at least protect their benevolences by insuring themselves against fraud. They proceeded, therefore, through the machinery of sub-committees on charitable organizations to call soliciting societies to account. They sought, like the Boston chamber, to pursue fraudulent solicitation and false pretenses, each member to be entitled to the services of this sub-committee in a review of the concern that asked him to contribute. Hence it was that the process of community regulation of charities passed naturally into its second stage.

One association after another took up this new function until at the present time there are more than one hundred cities in which the chamber of commerce exercises a self-appointed supervision over local social agencies.

THE ENDORSEMENT CARD

To secure more effective control, and in particular to obviate the labor of separate response to each call from the members, the endorsement card was invented. This method, as now employed, places the committee in effect behind the soliciting agency as sponsor. In the matter of control it is as effective as a definite license, since a charity without such endorsement is deprived of much of its support, and the business men are largely the people who contribute. For instance, about 80 per cent of the givers to charity in Cleveland are members of the chamber. The endorsement method has been adopted by all but a small minority of these commercial bodies.

It was obvious from the beginning of the experiment that intelligent sanction could not be given without the development of standards in social service, which might serve as a basis for judgment. If its remedy was to cover the community need, the chamber must become community supervisor; must develop a system of investigation; must take measures to keep itself posted, through report and inquiry, of the conduct of endorsed agencies and societies desiring endorsement. In effect it must cease to represent its own members only, as at the outset, and must become agent for all the people of the community.

STANDARDS IN SOCIAL AGENCIES

The requirements of the Chicago chamber are illustrative of the standards thus imposed. Its endorsement committee requires that all societies seeking its backing must be incorporated; must develop a local board of directors which shall meet at least quarterly; must publish a report of their year's work; must employ approved methods in the raising of funds; their accounts must be audited by a public accountant: plans for new societies must have been passed upon by experts before adoption; the candidate must co-operate with other agencies in its field; and it must make use of the confidential exchange.

These standards set out the minimum guarantee of efficiency and represent in substance the most advanced stand taken in the charity endorsement movement.

They are suggestive also of a still broader field for the supervisor. What is to be done with the refractory agency? What with the predatory solicitor? How shall the chamber, upon the discovery of an urgent social need in its city, establish a social agency to take care of it? On what justification can it draw back from constructive effort against all the unsocial conditions with which its experiment brings it in contact? The foremost executives in the movement are emphatic in their assertions that endorsing bodies to be effective must assume a definitely constructive and supervisory capacity; that they must concern themselves with every unsocial condition in the community. The farther the movement proceeds, the clearer becomes the perspective of the community needs and the relationship between the public and the charitable undertakings that serve it.

THE FINANCIAL FEDERATION

With this broadening perspective as the fundamental moving force, and with a desire for greater business efficiency among charitable societies as the occasion, a new outgrowth of the endorsement movement has occurred and is still in its flood tide. This is *the financial federation*. Through it the chambers of commerce have sought to render the supervisory instrument more nearly co-extensive with the entire public than the commercial body as such could be, and to unify the group of social agencies to a greater degree than under the old endorsement plan.

Save in the sporadic case of Denver, this new phase began in 1910 with the organization of the Elmira "Allied Charities." San Antonio, Texas, followed in 1912 and Cleveland in 1913. Widespread publicity focussed national attention upon the Cleveland experiment and produced an immediate crop of converts. Dayton, Richmond, South Bend, New Orleans, Salt Lake City, and Birmingham, Alabama, organized in 1914. In 1915 five more entered the list: Cincinnati, Dallas, Oshkosh, Erie and Baltimore. A like number joined the procession in 1916: St. Joseph, Grand Rapids, Milwaukee, Springfield, Mass., and Houston, Tex.

Though six of these twenty experiments have already failed, a search in 1917 revealed the fact that 48 cities in the United States and Canada either had been or were at that time considering the formation of financial federations.[1]

The details of the federation plan vary, but in its essentials it calls for a council or union of a portion or all of the social agencies of the community. The local chamber of commerce does not necessarily take a share as a constituent agency. Almost all federations pool the collection of funds and at least one, that in Cleveland, includes public agencies. The governing board is variously chosen. In the main the power lies in the constituent agencies by representation. In Cleveland the first arrangement called for a board selected partly by contributors and partly by the chamber of commerce, but in the re-organization of 1916 this power of selection was lodged completely in the affiliated organizations.

CHARACTERISTICS AND TENDENCIES OF FEDERATION

In ten of the cities now federated, the impulse came from the local commercial organizations, showing this stage to be a logical outgrowth of the chamber of commerce excursion among the social agencies. Of the social tendencies set up by these experiments, the time has been too short for final judgment. It is more than likely, however, that the findings of the special study made in 1917 by the American association for organizing charity will prove correct in all particulars. This verdict is that the federation is first and by necessity financial. It must succeed in bringing in funds; but in order to do this, it must guarantee the donor from outside solicitation; it must use the "whirlwind campaign" in order to raise money; and it must encourage "undesignated" gifts. Of these practices, the committee finds proof that immunity "sets up a barrier between those who are afire with the facts regarding a given activity and those who need to be kindled with their enthusiasm"; that the whirlwind campaign, thus far the only certain money-getter of the federation, is spectacular merely, displaying only the high lights and "cannot be depended upon to establish deep and permanent interest in social work"; and finally, that the "undesignated" fund tends to eliminate social thinking on the part of the public.

The tendency toward federation is strong. It is not too much to say that there is unrest and indecision on this question among the socially-minded citizens of every considerable city in the United States and Canada. Already the relentless logic of the problem is ushering in the third stage of the major process; municipal regulation through boards of public welfare. Albany, Cincinnati, Dallas, Fort Worth, Kansas City, Los Angeles, New Orleans, Pittsburgh, Sioux City, Spokane, Springfield, O., and Yonkers, N. Y., have undertaken through the medium of the city government to effect the same objects in social betterment that have been aimed at by the charity organization societies in the first instance and by the chambers of commerce following them. In this list of cities it is to be noted that in Cincinnati and Spokane, the system cannot be considered completely municipal.

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[1] Financial Federations Report of a Special Committee. American Association for Organized Charities, N. Y., 1917.

Mention has been made of the "relentless logic of the problem." When the charity organization societies bestirred themselves to encourage such a relationship among the social agencies of their locality as would bring about better standards of service, they were recognizing a fundamental fact in the status of each of those agencies which, though it remained unexpressed was still, like unseen stellar bodies, known to be present. When the chambers of commerce sought first for selfish reasons and later out of a desire for better social conditions to enforce a higher grade of service from charities, they were taking into account that same known but unrecognized proposition and the correlaries that arose out of it. It is that

A SOCIAL AGENCY IS A PUBLIC TRUST

"Of course!" the reader may say, "Of course! That we have known for a long time." Yet, by the practice, if not the law of our several states, any group of persons may secure a public franchise for the asking, upon their unsupported assertion that they intend works of charity. Their enterprise is not for profit; it is, therefore, nobody's business but their own. While the government has taken this unthinking view, the troubled course of society in our cities has been teaching us that the fundamental status of the charitable society and its true relationship to the public cannot be ignored. The social organization is a trustee for the benefit of the whole people. It is responsible to the whole people. Its task is the most difficult, perhaps, in the range of social experience. If it does a poor piece of work, it is vastly worse than no effort at all. Its aim is the public good. If under the claims of social service it seeks to perpetuate itself where no genuine need exists, it betrays its trust. If it wastes the fund which it holds in trust for the public by improvident investment or useless expenditures or the employment of incompetent agents, again it betrays its trust. If, falling into no specific wrong, it nevertheless carries on its functions with such a wretched degree of competence that no genuine good results to the community, here also it betrays its trust.

It is for the public,—the beneficiary of these trusts—to demand intelligence and high efficiency. It is they only, in the last analysis, who can develop standards of service and hold their servants up to them. And it is this "relentless logic" of the problem that constitutes the impelling force behind community organization to regulate charities.

Systems of government arise out of the customs of the people. This instance of charity regulation is no exception. The socially minded members of the community recognize the need and dimly they perceive the remedy. Thus far observers of this process of supervision have been absorbed in its methods and details.

They have said little about its moving principle. In truth the initial experiment of the charity organization societies, the endorsement systems, the financial federations and the municipal regulations represent parts of one continuous experiment in governmental oversight carried on by private citizens, tending always toward the placement of the function in the government itself.

The American citizen has fallen pardonably into a way of thinking that the last instrument for effective government is the government itself; that in the conduct of American cities it is impossible to place honest and efficient servants in public office, and that if such appointments could be assured their continuance would be a miracle in city government. It is this attitude that has postponed the day of the municipal system of charity regulation. But the demonstration has now been made. The American city of the future is more than likely to concentrate its study and regulation of all its social enterprises in a few servants and hold those servants to account. This they will do pending the time—greatly hastened by the centralizing influences of war—when the state as ultimate sovereign shall inaugurate the supervision of all public welfare enterprises on the principle that these are vital public trusts.

In the consummation of this great result the demonstration of the endorsement committee and the federation is far from its termination. The public must be brought to a real appreciation of the vital and dangerous character of organized social undertakings. They must appreciate the necessity of higher standards in the public service. These results cannot be secured without a continuing demonstration by socially-minded citizens organized for the purpose. Tribute, then, to our chambers of commerce; and welcome to boards of public welfare, but not before their time.

JACKSON AND ITS MANAGER

BY AUGUSTUS R. HATTON

For example, when Jackson was threatened by the 1917 coal famine, the city government promptly bought a nearby abandoned coal mine, mined the coal at a profit till the crisis passed, then sold the equipment and now collects royalties from a lessee. :: :: :: :: ::

FIFTEEN years ago Jackson, Michigan, was a town of possibly 25,000 inhabitants. It had ninety saloons, the greater portion of which had wine rooms or alcoves, the doors of which could be locked. There was a city council of sixteen members, five of whom were saloon keepers and one, the city boss, was a brewer. Vice was tolerated, crime was none too well controlled and, in the vicious section of the city, murders were frequent. Jackson was a tough town. In the words of a prominent citizen who went through that period, "The only characteristic of a western border town in the good old days which Jackson lacked was gangs of cowboys whooping, shooting and running their horses through the streets."

The visitor of to-day will find it hard to believe that these things could have been so recently true. Jackson is now a city of between 50,000 and 55,000 population. The principal streets are well paved and clean. There are large and flourishing industries, good schools and some excellent school buildings, a beautiful public library, special buildings for the Y. M. C. A. and Y. W. C. A., and a well-equipped and managed city hospital. The saloons are gone, though for that the city is not entirely responsible. In place of the old mayor and ward council government there has been for nearly five years a city commission of five, chosen from the city at large, which appoints a city manager and certain other executive officers. To-day the city of Jackson gives evidence of being sound and clean financially, physically and morally.

As this is an article devoted to the working of the manager plan in Jackson, it would be pleasant and impressive to record that all this transformation came about as a result of the adoption of that scheme of government. But any such statement would be in large measure untrue, although the new government has been an effective instrument of progress. The fact is that the struggle toward better things began about fifteen years ago. There was gradual progress and an increasing sense of civic pride. The adoption of the manager plan was merely a step in the general advance—the time had come when the people realized that the old government was inadequate for the realization of their new civic aspirations.

THE CHARTER AND A DEFECT

The charter under which Jackson is governed went into effect January 1, 1915. It provides for a commission consisting of a mayor and four other members, all elected from the city at large for four-year terms. The mayor is voted for separately, although aside from his position as presiding officer of the commission, conservator of the peace and ceremonial head of the city government he has the same powers as other commissioners. Candidates for mayor and commissioners are nominated at a non-partisan primary and may have their names printed on the primary ballot upon petition of from 100 to 150 voters. The terms of commissioners are so arranged that either the mayor and two commissioners, or two commissioners alone, are elected every second year. The two candidates for mayor and four candidates for commissioner receiving the highest votes at the primary election have their names printed on the election ballot.

Under this charter somewhat greater appointing power is conferred on the commission than is usually found in manager charters elsewhere. In addition to the manager the commission appoints the clerk, treasurer, attorney, city physician, health officer, sanitary inspector, assessor, and designates some officer of the city to act as purchasing agent. Just why the appointment of the city physician, health officer, sanitary inspector and purchasing agent should have been conferred upon the commission is difficult to see. In the end it will certainly prove that it would have been wiser to have made them subordinate to the city manager. So far, however, there has been the heartiest possible co-operation between the manager and these officials.

Such being the charter, what can be said of results under it? This question is especially interesting because manager government in Jackson has entered its second phase. That is to say, the plan is no longer regarded as an experiment or a novelty. Its retention is taken as a matter of course by an overwhelming majority of the people. Voters, on the whole, have no thought of returning to the old order of things but think only of achieving their civic purposes by means of the existing instrument of government. It should not be supposed that there is not some dissatisfaction with details of the present charter. The point is that if changes are proposed they will be with the idea of improving the manager system and not for the purpose of overthrowing it.

STRAIGHTFORWARD FINANCE

The usual point of departure in reviewing a city government is finance, though nothing must be treated more carefully if it is not to be misleading. City manager government went into effect in Jackson at the beginning of 1915. The tax rate for the previous year had been .9 per cent. This rate was continued during the next four years but the assessed valuation of property upon which it was levied was increased in 1917, from $35,000,000 to $41,800,000. In other words, with no change in the tax rate, the tax revenues of the city were over 19 per cent greater in 1918 than in 1914. This increase in income would probably have been adequate to care for the needs of the rapidly growing city under normal conditions. But, added to the service which must be rendered to a much greater population, there was the unprecedented rise in cost of labor, supplies and material which, alone, would more than absorb the increase in revenue. The city government was confronted at the beginning of 1919 with the alternatives of increasing the tax rate or greatly curtailing services. This situation was met frankly by the commission and a rate of 1 per cent established.

Even with the increase in revenue resulting from the greater valuation and enhanced tax rate the city government has accumulated an operating deficit during the last three years amounting to $83,000. This deficit resulted from the steady rise in prices which made it difficult to estimate the cost of city services with accuracy, and from war expenditures that could not be anticipated. The commission made no effort to care for this deficit in the budgets of 1918 and 1919, preferring to carry it until financial and price conditions became more stable. It is now planned to dispose of the deficit by spreading it evenly over the three years beginning with the budget of 1920.

The significant thing in regard to the finances of Jackson is the evidence of deliberate and well considered financial planning. Issues have been met frankly and disposed of in a manner which would be a credit to any well managed business. The budget for 1919 called for expenditures totalling $738,274. An excellent budget system enables the people to understand in detail the way in which city revenues are expended and the sources from which they are derived. One hears no complaint of financial mismanagement. In fact, the decision on issues presented to the electors at the election in November, 1919, was a distinct vote of confidence in the government. Numerous proposals to issue bonds aggregating $596,000 were submitted to the voters. These were all approved except an issue of $75,000 the proceeds of which were to have been expended on a park outside the city limits. At the same election an amendment to the city charter was adopted which permits an increase in the general bonded indebtedness from 3 per cent to 5 per cent of the assessed valuation of property within the city.

Jackson prides itself on being a conservative city and we would expect it to be so in matters of debt and taxation. Probably 85 per cent of the families own their own homes and therefore feel the effect of city taxes directly. For this reason the facts just enumerated are all the more significant of the confidence and satisfaction which the voters feel in the management of the city's financial affairs.

PLANNING FOR FIFTY YEARS AHEAD

A further evidence of planning for the future is found in the thought being given to sewers and water supply. As to both of these it is claimed, apparently with reason, that the city is looking fifty years ahead. In order to get such planning on a scientific basis at the outset, a topographical survey was made of the city and adjacent territory forming the drainage area of which the city is a part. With this data before them, particularly the maps with their contour lines, the manager and his engineers are not only saved the time of getting such information piecemeal but can the more readily fit each extension or improvement into an adequate general plan.

The water system owned by the city has presented some real problems. An examination of water works operation by public accountants for a nine months' period in 1918 showed that proper charges were not being made for depreciation and interest on the investment. Without such charges the water works showed a profit of $10,097 for the nine months. After making such charges the plant would show a net loss for the nine months of $15,399. The accountants reported that on a basis of sufficient income to cover depreciation, interest and sinking fund there was a deficit of $21,080, equivalent to 32.3 per cent of the net income. In view of this report the city manager undertook an examination of the entire water system with a view to eliminating leakage and wastage and cutting off unauthorized use. As a result, with no expenditure for new equipment, he was able to reduce the net loss to $4,567 for the corresponding nine months' period in 1919. A slight increase in water rates will take care of this deficit. Such an increase can be made without hardship as the minimum rate is $6 per year with a 10 per cent discount for prompt payment. This rate represents the charge for 75 per cent of all the service rendered.

A few other facts as to physical improvements are worth noting: In the four years of 1915–18 the sewer mileage was increased fifteen miles. In 1917 the largest amount was spent on paving in the history of the city. About seven miles of street paving and twenty-three miles of sidewalks were laid during the period mentioned. Ten miles of water mains were installed in 1916. Very little paving was done during 1919 but nine miles are planned for 1920.

The city government is proceeding to attack the problem of garbage disposal with the same deliberate but determined intelligence which has so far characterized its work. The contract system under which collection and disposal is now being carried on is not proving satisfactory. The manager has made a careful report on methods of garbage disposal feasible for a city of 50,000 population. The city will probably take over this work entirely within a short time.

THE HUMAN SIDE

But is the present government of Jackson only a cold, cautious, slow-moving, business affair? Its record for action in crises and its constant performance along humanitarian lines by no means justifies such a conclusion. For instance, the city was threatened with a coal famine in 1917. The commission promptly bought an abandoned mine near the city, pumped out the water and began to mine coal. The mine was worked at a profit during city operation. When the coal shortage was over the mine was leased on a royalty basis and the equipment sold. In this manner the city added to the available supply of fuel and showed a commendable capacity for prompt and decisive action.

The city government not only bought government food for distribution but when potatoes were selling at $2 per bushel in the local market the manager had potatoes shipped in by the carload. This action brought the price of potatoes down to $1.25 per bushel. The sales were cared for by volunteers from the regular office force and were held at night so that working people could get a chance at them and the men could carry the purchases home.

During 1919 several community dances were held. The closing function of this kind for the year was a Hallowe'en party held on a stretch of new asphalt pavement, the city manager heading the dance. There are no charges of coldness or inaccessibility against the manager in Jackson.

In its care of the public health the city is making remarkable strides. There are three city hospitals. The hospitals for the treatment of tuberculosis and contagious diseases still leave much to be desired. However, Jackson county has voted $75,000 to be expended for the erection of a contagious disease hospital on the same grounds with the new city general hospital. The latter, housed in a new building erected in 1917, and having a capacity of 110 beds, is remarkably well equipped and managed. But in the matter of the public health the city does not consider its duty performed by merely looking after those who need hospital care. Child hygiene and infant welfare are receiving careful attention. Every birth within the city is reported to the department of health and is followed by a visit to the home by a public health nurse, regardless of the wealth or standing of the child's family. The city is divided into five districts, each under the supervision of a public health nurse. In 1918 school medical inspection was added to the work of the city health department. At the general hospital one is impressed by the number and apparent efficiency of the various conferences and clinics. A pre-natal clinic has been in operation for three years. Next in order is the infant welfare conference. The opportunity offered for free conferences on infant welfare has proved so popular that the conference has outgrown its original quarters. A continued decrease in the death rate of children under two years of age is believed to be due chiefly to advice and instruction given mothers in these conferences. In addition to the conference and clinic mentioned there are the following clinics: preschool age; dental (employing a full time dentist); tonsil and adenoid; eye and ear; tuberculosis; venereal disease; general medical. But the most striking thing about all this work is neither its magnitude nor its variety. It is rather the fine determination of the department to increase the intelligence and raise the standards of the people in matters of health. There can be no doubt that the effort is proving successful. The high regard in which the work is held indicates the impression made on the public mind.

SOME CRITICISMS

Is there to-day any criticism of commission-manager government as it exists and has been operated in Jackson? There is, though there is not the slightest doubt but that the voters would sustain the plan by an overwhelming majority were the question submitted to them. Of course, Jackson has its fair share of those political malcontents who could not possibly be satisfied even though the government were devised by and for themselves. But, aside from criticism by persons of this type who are with us always, there are certain criticisms urged with sufficient frequency and sincerity to demand consideration. These, it will be noted, relate almost entirely to what might be called the political aspects of the government and not to its administration.

First of all, there is a charge that there has been a tendency to aloofness on the part of the mayor and commissioners. In this respect it is probable that the people noticed the change from the old order of mayor and sixteen aldermen to the compact body of five commissioners. Members of the old council could be seen more readily for the simple reason that they were three times as numerous. It is true that most of them were relatively insignificant, but one of them would at least fill the eye of the voter on those occasions when he felt that he must "see" a councilman. The change from the large council to the small commission in Jackson was all the more noticeable by reason of the fact that from the beginning the commission has been composed predominantly of business men. While the business man may be an admirable public servant he is accustomed to making decisions after a minimum of discussion and is not likely to have the faintest notion of the importance of keeping in touch with his constituency. Moreover, the ease and celerity with which the public business may be despatched by a small body and the quietness of its discussions only add to the impression of aloofness.

The commission in Jackson accentuated this feeling among the voters by making another mistake common to "business" men chosen to public deliberative bodies. The commission seemed to feel that public disagreement between its members would be undesirable. Therefore, informal meetings were sometimes held, prior to the regular meetings of the commission, at which questions to be decided were discussed and differences adjusted. As a result the regular meetings of the commission tended to become merely occasions for the transaction of routine business and the ratification of decisions previously reached. In all this there was no wrong intent but the effect was unfavorable. It deprived the meetings of the commission of a large part of their interest and left the public ignorant of the reasons why one course was chosen rather than another which open discussion would have indicated. In this the commission was only revealing a common failing of business men when serving on public bodies. They fail to see that the public is not only entitled to know the decision reached but also the reasoning by which it was arrived at.

In Jackson these causes of complaint appear to be in course of being removed. At the recent election one candidate for mayor declared in his platform that all work of the commission should be done in the open. Both candidates expressed themselves as in favor of closer co-operation between the commission and the citizens. The successful candidate declared that members of the commission should "make themselves available for informal meetings with the people," and that no citizen should "be subjected to the embarrassment of having to address a formal public meeting in which he does not feel at home." He also pledged himself to be at the city building at definite hours in order to get the benefit of counsel with citizens.

The other complaint most frequently heard is that the commission has not been as representative as it should be. This criticism comes with greatest frequency from voters representing union labor. Although Jackson is predominantly an industrial city and the labor vote is large, there has been no representative on the commission from this important group until since the last election. Apparently few realize that the voting system established by the charter is responsible for this defect. The double election system reduces the candidates at the final election to twice the number of places to be filled. For that reason a group or party is likely to elect all or none of its candidates. At the final election last November, through some default, there were only three candidates for the two places to be filled on the commission. One of these was the official labor candidate. The laboring people, to make sure of his election, voted for him alone and he received the highest vote cast for any of the three candidates. Thus, as a result of an accidental situation, the commission will be more nearly representative of the entire electorate than hitherto and discontent will be allayed for the time being. But no city can afford to leave such an important question as the representative character of its council to accident. This is particularly true of cities under the manager plan. Jackson should give a careful attention to its system of nominating and electing commissioners.

It is significant that such criticism as one hears in Jackson is directed at the commission and not at the manager. There is a healthy recognition of the fact that in the commission lies the real source of power in determining the policies of the city. The result is a deep interest in the personalities of the various candidates and the policies for which they stand. As a consequence the commission, or council, is becoming the conspicuous body which the manager plan intends it to be. The people seem to feel that a position on the commission not only demands ability but capacity for real leadership.

Of managers Jackson has had three. The first was an obvious misfit and was retained only a short time. The second came to the position with excellent engineering training and with practical experience both in private employment and municipal administration. His work was effective and highly appreciated, though he incurred a measure of the opposition which must inevitably come to the man who puts a new plan into operation. When he was called to be the first manager of Grand Rapids, the commission promoted the city engineer to the managership, which position he still holds. The present manager is quiet, effective and generally popular.

THE CONTRALOR-GENERAL DE MEXICO AGAIN!

SHORTLY after Mr. Lill's favorable description of the office of contralor general of Mexico appeared in the November NATIONAL MUNICIPAL REVIEW, the *New York Times* of November 9 printed a dispatch from Washington to the effect that a shortage of $75,000,000 ($151,000,000 pesos) in the office of the contralor general for the year 1918 had caused a sensation in Mexico. In reply to our inquiry, Mr. Lill states that the contralor general of Mexico handles no funds whatever and a shortage, therefore, could not exist in his office.

Luis Cabrera, secretary of the treasury, writes under date of December 22: "The *New York Times* has obviously been misinformed, as it is a clear fact that our budget only amounts to 187,000,000 pesos and it could hardly stand a loss of 151,000,000 pesos!"

He explains further that the latter sum is that of a certain ledger account covering items on which the contralor's audit was not yet complete.

CONSTITUTION OF THE NATIONAL MUNICIPAL LEAGUE

Adopted at the Twenty-fifth Annual Meeting, at Cleveland, Ohio, December 29, 1919

Article I

NAME

The name of this Association shall be The National Municipal League.

Article II

OBJECTS

1. Its objects shall be:

First: To multiply the number, harmonize the methods, and combine the forces of those who are interested in more effective city, county, state, and national government.

Second: To promote the thorough investigation and discussion of the conditions and methods of the organization and administration of government, and of the methods of selecting and appointing public officials.

Third: To develop a sound public opinion on questions of government by furnishing data for public information and discussion, by the publication of the proceedings of the League's meetings, reports of committees, and other papers, pamphlets, books, and periodicals bearing upon the subject of government.

2. The League shall have no connection with local, state, or national political parties or political party issues as such.

Article III

MEMBERSHIP

1. The membership of the League shall be composed of individuals interested in the improvement of government.

2. Any person approved by the Council or by its authorized representative may become a member of the League upon payment of the annual dues. Such payment shall include a subscription for one year to any periodical issued by the League. Any membership may be cancelled by a three-fourths vote at any meeting of the League, or by the Board for the nonpayment of dues.

3. The Council shall establish three classes of membership:

a. Active members whose dues shall be determined by Council.

b. Sustaining members whose dues shall be $25 per annum.

c. Honorary life members who shall be exempt from payment of dues. Such member may be elected by the League or the Board, but not more than five such members may be elected during any one year.

Article IV

COUNCIL AND OFFICERS

1. The government of the League, the direction of its work, and the control of its property shall be vested in a Council consisting of thirty members elected for a term of three years, ten to be elected each year; except that at the first election following the adoption of this constitution, the Council shall provide for the election of ten members for three years, ten for two years, and ten for one year. The President shall be chairman of the Council.

2. The officers of the League shall be a President, five or more Vice-Presidents, a Treasurer, a Secretary,

and such other officers as the League may from time to time establish. The President and the Vice-Presidents shall be elected annually by the members of the League. The Secretary and Treasurer shall be appointed annually by the Council.

3. The Secretary shall have charge of the publications, records, and correspondence of the League; shall be Secretary to all committees unless otherwise provided by the Council; shall supervise the work of all employes of the League; and shall perform such other duties incident to the office as shall be required by the Council. His salary shall be fixed annually by the Council.

ARTICLE V

COMMITTEES

1. Immediately upon the election and organization of the Council it shall appoint its chairman and six other members to be an Executive Committee for the current year. The Executive Committee shall select its own chairman. Subject always to the direction of the Council, the Executive Committee shall in the interim between meetings of the Council act for it in all matters relating to the raising and expenditure of necessary funds; the approval of appointments and direction of committees; the appointment of employes; the annual audit of accounts, and the general management and prosecution of the work of the League.

2. The President shall, subject to the approval of the Council or Executive Committee, appoint all committees of the League. No committee shall incur any indebtedness, make any expenditures, or represent the League in advocacy of or opposition to any project or issue, without the specific approval of the Council or Executive Committee, or such confirmation as may be clearly granted under general powers delegated to that committee by the Council.

ARTICLE VI

ELECTIONS AND REFERENDUMS

1. *Nominations.* At least ninety days before the annual meeting, a nominating committee consisting of nine members, a majority of whom shall not be members of the Council, shall be appointed. At least sixty days before the annual meeting, the committee shall place ten members in nomination for membership on the Council, one member for President, and five or more members for the five or more offices of Vice-Presidents. Such nominations shall be published to the membership of the League at least thirty days before the annual meeting in the League's publication, or by mail. Such publication shall invite additional nominations from the members of the League. Such additional nominations may be made at the annual meeting, at which the election shall take place.

2. *Referendums.* Provisions shall be made by the Council in the by-laws for the submission to the members by mail for approval or disapproval, of recommendations of the Council or any committee of the League on any question of public policy.

ARTICLE VII

SUBSIDIARY ORGANIZATIONS

Members of the League, with the consent and approval of the Council, may form affiliated or subsidiary associations for promoting more effectively a special improvement or reform in which they are interested. Such associations may, subject to the approval of the Council, adopt their own rules and form of government. They may use the name of the League as a part of their name; but no action or resolution of any such association shall be binding upon or expressive of the sense of the League unless approved by the Council. Any such affiliation with the League may at any time be dissolved by the Council.

Article VIII

MEETINGS

1. Unless otherwise directed by the Council, the annual meetings of the League shall be held in November of each year. Special meetings of the League may be called at any time by the President, or the Council, or the Executive Committee.

2. A meeting of the Council shall be held in connection with each annual meeting of the League. Other meetings of the Council and Executive Committee, and meetings of all other committees, shall be held when called by their respective chairmen or by the President or Secretary of the League.

3. Reasonable notice shall be given of all meetings.

4. At meetings of the League those present, and at meetings of the Council ten members, and at meetings of committees a majority of the members, shall constitute a quorum. But whenever a quorum is lacking, the action of the majority of those present may be validated by the written approval of a sufficient number of the absentees to make up the deficiency.

5. No resolution expressing any opinion in regard to any governmental or public question shall be voted on by the League until it has been referred to or considered by and reported from the Council or Executive Committee.

6. In voting each individual member of the League shall have a single vote.

Article IX

LIABILITIES AND DISBURSEMENTS

No liabilities shall be incurred unless the necessary funds shall have been previously secured or guaranteed. No disbursements of the funds of the League shall be made unless they shall have been approved and ordered by the Council or Executive Committee. All checks shall be signed by the Secretary and countersigned by the Treasurer, unless otherwise provided in the by-laws.

Article X

BY-LAWS

The Council may adopt such by-laws, not inconsistent with the provisions of this constitution, as shall be deemed necessary for the government of the League and the direction and control of its activities.

Article XI

AMENDMENTS

Amendments to this constitution may be adopted by a majority vote at any meeting of the League provided a notice of the proposed change shall have been published to the members in the League's publication, or by mail, not less than thirty days before such meeting.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE MORAL BASIS OF DEMOCRACY. By Arthur Twining Hadley, Ph.D., LL.D. New Haven: Yale University Press, 1920. Pp. 206.

This is the second collection of President Hadley's lay sermons to the students of Yale University and the fifth of a series of volumes containing discussions of kindred themes. In this volume there are ten chapters grouped under the heading "Ethics of Citizenship," and eight under the rubric "Ethics of Leadership." All are studies in applied Christianity for the author knows no ethic except the conduct of the Christian man as guided by rules deduced from Bible study. The focal address of the book is that on Conflicting Philosophies.

The collective admonition of the volume is a categorical inperative: Think clearly or not at all, stupidity is the overstrain of limited capacity and a sin. As you think, you will behave; straightforwardly with confidence in your fellowmen and faith in God. This much every man and woman can do, whatever the degree of their mentality and education. American democracy as expressed in American institutions is taken for granted, as is the loyalty of students and graduates to the system which made them. Honor is reverence for your ancestry and their faith.

To the sophisticated doubter and pessimist such an attitude of mind may seem antiquated and childish. To emphasize personality and its responsibility may disgust the muddy speculators who discourse on social conscience and social justice; but the limitations of personality in relation to the community are as compactly set forth in the book as Franklin himself did when considering the value of a general opinion counter to individual conviction. In this connection the talk on "Independent Thinking" is valuable in its discussion of the relation between American democracy and education. The "Foreword" is a model of terse, clear, statement regarding liberty and democracy. Again in "The Price of Greatness" is another excellent study in relativity.

The most conspicuous merit of these talks is, that underlying all is a consciousness of scientific method. The stupendous advances of natural science, especially physics and chemistry, have been due, during the last twenty years, to rigid exclusion from mathematical calculation of the metaphysical and unessential. Recognizing the boundaries of the five senses in acquiring knowledge, successful investigators have carefully neglected the hyper-this, the super-that and the meta-something else. While the philosophy styled pragmatism has proven itself a broken reed, yet its influence was compulsive of a return to sanity. The discontented have become spiritualists, or new-thoughtists, or devotees to a base and primitive superstition of some form.

President Hadley is an advanced thinker along the lines of past experience. Witness his declaration that ours is essentially an age of faith, and the proofs of the fact which he adduces. But on the other hand he eschews all the philosophies "falsely so called" which transcend the normal psychology of the sane man, who delimits his "job," attacks it cheerfully, and loves work alike for work's sake and the productive quality of the work.

For a reviewer sympathetic with President Hadley in his attitude toward life praise is easy: yet many such will dispute some of his statements; such for instance as that the dangers to democracy are internal, that for example French democracy wrought its own destruction. There is no more conspicuous example in history of the degradation of noble purpose than that afforded by the external pressure of European autocracy and eighteenth century latitudinarianism on the enlightened conservatism of the French revolution. It was the fierce resentment of the land owning peasantry which saved their country from utter socialism and preserved the constructive elements of the revolution for the generations to come.

Space forbids enlarging on several similar interpretations of social movements. To do so would moreover be ungracious because of the sagacity displayed in the overwhelming majority of cases, especially in regard to the menacing attitude of the ignorant hordes gladly wearing the yoke of radical demagogues in organizations to exploit American government for special ends. It is not widely grasped by older Americans that millions, with the tradition of tyranny, worship tyranny and create it for themselves if they do not find it at hand. Witness the tyranny of labor-unions and the socialistic party over their membership. Collective bargaining means the abject surrender of liberty and private judgment to a minority of voluble agitators, concerned to earn the large salaries they receive from their fellow workmen by pernicious activity.

That a man conspicuous alike as the head of a great American university, and as an authority in the fields of letters and political science should publish to the larger world his reasoned convictions and conclusions on matters vital to society is an invaluable service. No one knows better how the American Republic came into being, what are the pillars which support it, the fundamental principles on which it is founded, their adaptability to changing conditions of society, and their permanence in the hearts and minds of the overwhelming majority of Americans.

W. M. S.

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JUSTICE AND THE POOR. By Reginald Heber Smith. New York: The Carnegie Foundation for the Advancement of Teaching, 1919. Pp. 249.

"Justice and the Poor" is the title of a bulletin prepared for the Carnegie Foundation by Mr. Reginald Heber Smith of the Boston bar. Although it seems to be generally conceded that Mr. Smith is a trustworthy and competent authority, the appearance of this study has been the signal for a storm of criticism from municipal judges and others. General denials of the validity of the conclusions of the report originated in New York when the justices of the municipal courts and the city magistrates recently entered a formal dissent.

They have vigorously asserted that there is no denial of justice to the poor of New York city and that there is not now, nor ever has been, any judicial recognition of class distinctions. If their statement may be taken to mean that there is no *deliberate* discrimination in courts of law between poor and well-to-do litigants, then their disclaimer must be accepted even though instances of deliberate discrimination are not unknown to our legal annals.

It is to be noted, however, that the New York justices do not mention the administrative defects which constitute the thesis of this report.

What, then, are the specific defects presented? The first consists in the "law's delays" which have long been proverbial. These often operate either to discourage just litigation or to force unfair settlements and compromises, since, in many cases "speed is the essence of justice." The remedy is stated to lie in unification of courts and simplification of procedure.

The second defect consists in court costs and fees which "are too low to deter the rich but high enough to prohibit the poor." This, like the first, presents no inherent difficulty since relief can be effected through statutory provision for proceedings *in forma pauperis*.

Expense of counsel, presented as the third defect in administration, is, however, both fundamental and far-reaching. Mr. Smith estimates that there are thirty-five million persons in the United States who are unable to pay attorney's fees in any appreciable amount. No single expedient will serve to obviate this difficulty. In fact, the remedy lies in establishing, encouraging and developing a considerable number of methods and agencies, some, like the small claims courts, having an official and statutory foundation, whereas others, like the legal aid societies, are strictly voluntary in character. These receive detailed consideration.

The grand conclusion to which we are led is, therefore, that insofar as a denial of justice to the poor exists, it is derived rather from administrative methods and weaknesses than from any fault inherent in the substantive law itself, which is conceded to be, for the most part, sound. Mr. Elihu Root, who has contributed a foreword, recapitulates the whole matter when he says that "the greatly increased complications of life have created conditions under which provisions for obtaining justice which were formerly sufficient, are sufficient no longer."

C. B. Smith.

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CHARTOGRAPHY IN TEN LESSONS. By Frank J. Warne. Washington, D. C. Pp. xiv, 159.

This book has been written by a man with expert qualifications for the purpose of giving those who deal with statistics a thorough grounding in the science of making and interpreting charts. The work has been done carefully and clearly, so that the student of the book may readily understand the fundamentals of chartography before undertaking more involved processes. All of the steps necessary between these extremes are taken logically, and, wherever helpful, diagrams are used to supplement the text. The book is of primary importance, of course, to those who may have to construct charts; but in addition it has a very real value also to those who wish to acquire facility in their understanding.

II. BOOKS RECEIVED

A LIVING WAGE. Its Ethical and Economic Aspects. By John A. Ryan, D.D., LL.D. New York: The Macmillan Company. Pp. 182. $2.

AMERICAN CITIZENSHIP AND ECONOMIC WELFARE. By Jacob H. Hollander. Baltimore, Md.: Johns Hopkins University. Pp. 122.

CHARTOGRAPHY IN TEN LESSONS. By Frank J. Warne. Published by Frank J. Warne, Southern Building, Washington, D. C. Pp. 159.

FIRE COLLEGE EXTENSION COURSE and FIRE DEPARTMENT PROMOTION EXAMINATION INSTRUCTION. New York: Civil Service Chronicle, Inc. Pp. 247.

FREE TRADE, THE TARIFF and RECIPROCITY. By F. W. Taussig, Ph.D., Litt.D. New York: The Macmillan Co., 1920. Pp. 219.

GOVERNMENT ORGANIZATION IN WAR-TIME AND AFTER. By William Franklin Willoughby. New York: D. Appleton and Company. Pp. 370. $2.50.

HOUSING AND THE HOUSING PROBLEM. By Carol Aronovici. Chicago: A. C. McClurg & Co. Pp. 163. 75 cents.

NEW IDEALS IN THE PLANNING OF CITIES, TOWNS AND VILLAGES. By John Nolen. New York: The American City Bureau. Pp. 139.

OUR AMERICA. By Waldo Frank. New York: Boni and Liveright. Pp. 232. $1.75.

OUT OF THE RUINS. By George B. Ford. New York: The Century Company. Pp. 275.

PAPERS AND PROCEEDINGS OF THE FORTY-FIRST ANNUAL MEETING OF THE AMERICAN LIBRARY ASSOCIATION HELD AT ASBURY PARK, N. J., JUNE 23–27, 1919. Bulletin of the American Library Association, Chicago, Ill. Pp. 430.

TEACHERS' PENSION SYSTEMS IN THE UNITED STATES. By Paul Studensky. (Published for the Institute for Government Research.) New York: D. Appleton and Company. Pp. 460. $3.

THE LABOR MARKET. By Don D. Lescohier. New York: The Macmillan Company. 1919. Pp. 338.

THE RELATION OF THE EXECUTIVE POWER TO LEGISLATION. By Henry Campbell Black. New Jersey: Princeton University Press. Pp. 191. $1.60.

THE UNSOLVED RIDDLE OF SOCIAL JUSTICE. By Stephen Leacock, B.A., Ph.D. New York: John Lane Company. Pp. 152. $1.25.

WORKINGMEN'S STANDARD OF LIVING IN PHILADELPHIA. By William C. Beyer, Rebekah P. Davis and Myra Thwing. New York: The Macmillan Co. Pp. 125. $2.25.

III. REVIEWS OF REPORTS

The Proposed New York-New Jersey Treaty.—Riparian controversies between New York and New Jersey were adjusted by a treaty in 1834, which recognized the exclusive jurisdiction (derived from colonial grants) of the state of New York over the waters of New York bay and of the Hudson river to low water mark on the Jersey shore, with the exceptions, in substance, that the property rights of the respective states in the land under water go to the middle of the bay and river and that the jurisdiction of New Jersey over its own shores, riparian improvements and vessels moored thereto is exclusive. This treaty received the approval of congress and has been frequently construed by the courts. Second in importance only to the building of the Erie canal is this instrument in the development of the port of New York.

From the national standpoint our port is a unit, whatever may still be said of sovereignty, jurisdiction or titles. It is upon this physical fact and the legal circumstances of the treaty, that the New York-New Jersey Port and Harbor Development Commission have acted in their constructive proposal now so to amend the pact as to enable the port to be administered as a unit in the interest of commerce and navigation, and Mr. Julius Henry Cohen, the counsel to the commission, has made a thorough report on the legal position, which is at once a brief and an opinion, a study and a thesis, of more than usual interest.

He sketches the controversies that led to the making of the treaty of 1834, then discusses its juridical evolution and its application to the questions of apparent conflict that have arisen between the two sovereignties and between the peoples of the two states, and next takes up the question of the powers of congress over these interstate waterways and the reserved powers of the states with respect to navigable waters, reaching the definite conclusion that side by side with the federal power to regulate interstate commerce and navigable waters (p. 73),

> "Broad powers of regulation in the interest of improving the navigability of those waterways which constitute the great public highways of the port of New York still remain with the two states as part of the police power. In the establishment of such regulations there is no interference either with contract or property rights."

His next point is that a state may act through the medium of a corporation, and in support of this he adduces well tested authority, and as a corollary that there may be interstate action through interstate corporations, or rather corporations created under the laws of more than one state, cites the familiar instances of the International Bridge Co. operating across the Niagara river, the Chesapeake and Ohio Canal Co. of Virginia, Maryland and Pennsylvania and the Palisades Interstate Park Commission.

Thus he arrives at his final conclusion that it is within the power of the states of New York and New Jersey to agree to create a joint port authority to control,—subject to the property rights of the states and their municipalities and the federal jurisdiction over commerce,—the port of New York, which now spreads over not merely the five boroughs of the greater city and the cities of Jersey City, Hoboken and Newark, but the entire Metropolitan district embracing over 50 cities, boroughs, villages, and townships, 771 miles of water front and 1,300 square miles of territory. This result can be accomplished through the treaty-making power of the states concerned, after approval by congress under the constitutional provision, article I, section 10–12, that:

> "No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such immediate danger as will not admit of delay."

The possession and exercise of power to bring about a unified management of ports that spread beyond the confines of a single state, necessarily carries with it the incidents of such power requisite to make its exercise effective. Thus a port authority can be created that will have the right to take, hold, deal in and regulate the use of riparian property, and, within the limitations of the act of its creation, to borrow money in order to carry on its operations. In other words, it lies within the power of the states, when approved by congress, to bring into being a new debt-creating body,—one, however, that will not borrow on the credit of its promoters, but can readily be financed on the basis of its own income-earning potentialities, so that the march of much-needed improvements, the proper development of the port of New York, shall not lag behind the world's demands,—a difficulty that is now experienced because of charter restrictions against municipal borrowing powers and constitutional limitations of the state.

The unified port operated by an authority, administrative rather than political, is no new development. Such are the ports of London, Liverpool, Antwerp, Hamburg, all of which stand out as well-regulated ports substantially free from political interference, progressive, ready to meet the demands of commerce as they grow from day to day. In the management of these ports the great maritime and commercial interests participate. They constitute great public service corporations for the benefit of the trade and industry of their respective countries. Their growth and efficiency have been made possible through the wisdom that underlies the organic act of their creation.

Lest the imagination of the man in the street, who is used to doing his political thinking in hard and unyielding molds, according to pristine and adamantine formulæ, should be staggered by the idea of quasi-sovereign authority existing independently of the states of origin and apparently overlapping fringes of these, Mr. Cohen calls attention to the following, among other well-known instances of successful international authority,—the Permanent Mixed Fisheries Commission for the regulation of the North Atlantic fisheries, the Panama canal zone, the Suez convention, the Egyptian Public Debt Commission, the International Navigation Commission of the Congo, the International Boundary Commission (Mexico-U. S. A.), the Riverain Commission for the regulation of certain North European navigable international waters and the remarkable commission for the control of the river Danube. The latter well illustrates what wonderful results may be accomplished by an effective international body, rising through wise administration and the necessities of the case superior to the conflicting sovereignties of Turkey, Bulgaria, Servia, Austria-Hungary and Roumania, making the Danube an effective waterway almost from its source in the Black Forest of Baden to its mouth at Sulina on the Black Sea, clearing it of obstructions, policing it, doing away not only with piracy, but with discriminatory tolls (the more subtle form of hold-up), erecting lighthouses and channel marks, clearing the mouths of the river and establishing there ports for the grain trade of the east. This commission, with the support of England, was enabled to borrow money in the name of the Turkish Empire by virtue of the treaty of Vienna of 1815, but really upon its own credit as the result of the enlargement of its functions because of the treaty of Paris of 1853. It has its own flag and a "navy" that carries its legislative, executive and judicial acts into effect. We should like to call to the attention of the New York-New Jersey Port Commission an excellent résumé of the work of the Danubian Commission by Edward Krehbiel of the University of California, that appeared in the *Political Science Quarterly* in 1918.

The Danubian Commission illustrates the possibilities that inhere in a properly organized, sufficiently endowed, interstate authority for the port of New York. It should be representative not merely of the interests of New York, Jersey City and Newark, but of the governments of the states of New York and New Jersey; it should not be fettered by local jealousies, but have power both to regulate the waters of the port, and to arrange for the proper co-ordination and integration with them of the great inland waterways, such as the Erie canal, the Champlain canal and the canal to be built to the Delaware river; and it should in addition have power to bring into harmonious operation with the port, through connecting lines and classification yards, all the railways that center here, and to establish an adequate warehousing system contiguous to the docks that will leave the latter free to perform their riparian functions to the exclusion of storage business.

To-day, through separated management, the various parts of the port are a prey to local jealousies, not merely state or city, but of boroughs and even smaller units. The short-sighted, if not selfish, interests of real estate speculators, for instance, stand in the way of comprehensive improvements which would be an advantage to the city of New York as a whole, and so there is piecemeal improvement here and there to placate this, that or the other organized demand. There is no escape from this but national control or interstate management. Either one of these would remove the port from politics and from the conflict of interests that cannot see the bigger field because of the proximateness of their own immediate local districts.

The big work for the New York-New Jersey Commission is to so enlighten the public that when the physical plan is presented, it will be considered upon its merits, adapted to the needs of commerce and of the communities to be served, and not be bowled out of court by the specious clamors of the market-place with *ad captandum* slogans of state rights and local control.

Benjamin Tuska.[1]

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Transit Problems of New York City is a report dated November, 1919, prepared by Dr. Wilcox, and signed by 34 other men prominent in the municipal affairs of the city of New York. Its purpose was to bring up for public discussion the traction problem which was reaching a crisis in the life of the city, and it was given wide publicity in the daily press.

The sub-title of the pamphlet describes its scope: "An analysis of the difficulties in the way of the continuation of the policy of private ownership and operation, and of the obstacles to be removed in preparation for successful public ownership and operation."

In the introduction, Dr. Wilcox discusses the importance of street railway service and emphasizes that in a huge city like New York, transportation must not be interrupted, whatever the circumstances.

While up to the present, operation has been conducted altogether by private companies, it now faces great difficulties, following the increases in wages and the cost of materials and supplies. Sixteen points of difficulty are presented, each sufficiently serious by itself. Perhaps the chief point is the five-cent fare, which is not only firmly fixed in the psychology of the riding public, but has been deeply lodged both in the legislative policy of the state and in the municipal purposes of the city of New York.

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[1] Chairman of the Port Committee of the City Club of New York.

Another fundamental difficulty is the competitive character of the existing street railway operating systems. The same rate of fare must practically be maintained on all the lines operating in the city. But this means that a uniform increase in fare would certainly give too much relief to some companies and not enough to others; while a varied increase would result in shifting traffic between the competing companies so as to defeat the desired benefits from being realized. Relief through the adoption of a uniform flexible fare requires complete unification of street railway facilities within the city, and such unification does not obtain in New York and can hardly be established under private operation.

Dr. Wilcox seems to believe firmly that municipal ownership and operation of street railways is the solution of the New York traction problem. He clearly realizes, however, that this solution itself would involve and create difficulties of its own. He sets forth twelve points,—some legal, others financial, and the rest political. The chief legal difficulty is perhaps the debt limit of the city which would make the financing of the municipal purchase all but impossible. The danger of political control is perhaps the most frequent and most important argument presented against municipal ownership and operation. The author admits the danger and hardly shows the way to avoid it, but apparently relies upon the necessity of keeping politics out of control if municipal ownership and operation are undertaken.

John Bauer.

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A Responsible Form of Government.—This pamphlet, issued by Governor Samuel R. McKelvie of Nebraska, is a discussion of the civil administrative code enacted by the legislature in 1919.[1] Some of the features of the code to which Governor McKelvie calls attention, and on which information additional to that contained in our December issue may be desired, are the salary-standardization plan and the functions of the finance department, the work-program, cost-data budget, centralized accounting, and the central purchasing department.

In the department of finance is established a centralized uniform system of accounting and bookkeeping for all the other departments. This relieves the other departments, eliminates a good many employes, and establishes uniformity in charges for service for the same class of work. Every expenditure, before contracted for, must have the approval of the department of finance. In this way the department has complete control as to the wisdom, need, and price correctness of all expenditures, while the auditor—a separate constitutional officer in Nebraska—has the final approval as to the legality of the expenditures. All expenditures are distributed according to nine standard expenditure accounts and subdivisions of the same. It is possible to compare the different classes of expenditures in the different departments and to see that each department is getting the greatest value and service out of every dollar expended.

Through the centralized accounting and bookkeeping activity, the same officials who prepare the budget have had an eye on the expenditures day by day, and so have secured the necessary information for an intelligent study of the estimates that the departments submit before they are included in the budget.

The civil administrative code establishes a double basis for the control of expenditures: first, the appropriations made by the legislature; and, second, the departmental estimate of the money which the department wishes to spend during each three months' period of the biennium. This periodic estimate is the basis of the appropriation ledger. The total amount appropriated by the legislature, and the total fees collected which are credited to the department, are the basis of the general ledger. Each three months' estimate is taken from the general ledger to the appropriation ledger. In this way, the department of finance has authority and the power to control expenditures. A department cannot expend any money until it has made its three months' estimate, which must be approved by the department of finance. The expenditures and encumbrances of a department for the three months' period cannot exceed the estimate except through a transfer, approved by the department of finance. The combined estimates for the three months' periods cannot exceed the total appropriation for the biennium.

There is also established in the department of finance a central purchasing department, through which all purchases are made and on which all requisitions are issued for any class of service or contracts which will later ripen into an expenditure. Every purchase order and every contract for service, or other contract which will later ripen into an expenditure, must be made upon a requisition to the department of finance, and the final contract cannot be entered into until the requisition is certified by the accountant in the department of finance as to availability of funds.

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[1] National Municipal Review, vol. viii, p. 651.

As this law was passed by the last legislature, no budget has yet been submitted, but the department of finance will prepare for the next legislature a work-program, cost-data budget, rather than a segregated budget. The estimates and appropriations will be for stated purposes of expenditure rather than items of expenditure. It will be a business program for which the executive will stand responsible to the legislature and to the people of the state. It will provide an estimate of resources as well as expenditures, and in this it will embody the essential feature of any budgetary system—the balancing of revenues and expenditures.

This budget will contain estimates for appropriations for departments, bureaus and divisions within departments, and will be supported by schedules showing the need of the total amount as distributed according to nine standard accounts. The supporting schedules will give complete and full details to show how the total for the unit is established, but the supporting schedule will not be included in the appropriation bill. Through this combination of appropriations in summarized form, with supporting schedules furnishing detail under main functions, the legislature and the public will be furnished the same detailed report of expenditures and estimates for appropriation as is contained in a segregated budget, without limiting administrative action.

The salary-standardization plan provides for a standard title of employment and uniform salaries for the same class of work in all of the departments under the code, entrance at a minimum salary and advancement to a higher salary rate at certain specified periods, and promotion to a higher grade of service. Under this system, in the report of expenditures and in the supporting schedules of the budget, a standard title of employment will always mean the same salary expenditure or estimate.

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Electric Franchises in New York City is an intensive study of the electric franchises granted and used in operation in the city of New York. In chapter one, the author, Leonora Arent, describes the electric lighting companies, giving a brief history of each company. Next she discusses the franchises claimed by the operating companies, presenting several tables as to location, area and population covered by the franchises. In this discussion she follows largely a report signed by Milo R. Maltbie in behalf of the Public Service Commission of the state of New York, second district, on "Franchises of Electrical Corporations." A chapter is devoted to the electric lighting franchises in relation to the general manufacturing corporations act. The concluding chapter discusses the problems of acquiescence and perpetuity, showing how the doctrine has become pretty firmly established that a franchise granted without an express time limitation is viewed as a permanent grant. This monograph shows a diligent research of public records and serves a useful purpose in bringing the facts together. It makes little or no attempt to discuss the larger questions of rates and service, or public ownership and operation, or the more general problems of municipal policy in relation to the regulation, ownership and operation of public utilities.

John Bauer.

⁂

Tax Rates and Taxable Values in Texas Cities is the title of a summary of the answers received to a questionnaire on the subject sent to Texas cities on November 27, 1919, with which is included a statement of the constitutional provisions regarding local taxation and a draft of the proposed constitutional amendments relating to local taxation to be voted on by the people next November. The data for each city comprise the assessed valuation of real and personal property, the percentage of actual value assessed on, the estimated percentage of delinquent taxes, the tax rate, and the distribution into funds for schools, streets, parks, sinking fund, general fund, etc. The report is compiled by the bureau of government research, of the university of Texas. The usefulness of this data might have been increased by arranging it in comparative tables and including some analytical study.

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Knowing Who the Public's Servants Are.—The Detroit bureau of governmental research has performed a distinct service to the citizens of Detroit by publishing in an issue of

Public Business, the bureau's bi-weekly bulletin, a condensed directory of city and county officials. The average voter soon forgets the identity, or even the existence, of the many minor officials whom he has helped to elect, and often never is conscious of the multitudinous commissions and satraps that assist in conducting the public business. Such a directory as has been provided for Detroit is a wholesome reminder, and gains value for reference purposes because it includes the address and telephone number of each official, board, and commission.

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High Schools Study City-Manager Plan.—The university of Montana has published a bulletin containing data relative to the Montana high school debating league. The question listed for the league's district contests is the adoption of the city-manager plan by Montana cities and towns, and a good bibliography on this subject is printed in the bulletin. Other questions proposed for league debates include the executive budget, short ballot, proportional representation, and recall.

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"Facts about Your Municipal Government" is the boldly printed label on the envelope containing the very excellent annual report of the village of Winnetka, Illinois, for the year ending March 31, 1919. The idea might well be followed by others, as the phrase will doubtless arrest attention in many cases.

✣

"Bureau Topics," No. 1, January, 1920, makes its appearance as the organ of the governmental research conference. This issue is devoted to a symposium on bureau publicity containing matter of importance to every officer, member, and supporter of research bureaus, civic leagues, and similar organizations.

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[1] Edited by Dorsey W. Hyde, Jr.

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Need of Municipal Meat Inspection.—Health considerations alone have failed to rouse American cities to the importance of clean meat from sound animals and to the importance of having local meat establishments inspected, according to Dr. John R. Mohler, chief of the bureau of animal industry of the United States department of agriculture, in an address to the American public health association. Municipal inspection is needed, as the facts show, and as all who are familiar with average slaughter house conditions will quickly admit.

The slaughter houses in which about one third of the meat of the United States is prepared, Dr. Mohler explained, are not federally inspected, because they sell their entire output within the state where the slaughter house is located and the federal government has no authority under the constitution to regulate them in any way. All the meat shipped across state lines or exported is inspected by the government.

If the entire meat food supply of the country is to be properly inspected, Dr. Mohler contends, it will devolve upon the several states or municipalities to cover the field to which federal inspection can not be extended. Some cities do maintain such inspection. The need for state and municipal meat inspection laws is shown by the number of unsound animals that are condemned by the federal inspectors every year—221,245 animals on the post-mortem inspection alone last year. On the basis of the number of animals slaughtered in federal inspected and in non-inspected slaughter houses, that would mean that 106,122 unfit animals were used as human food from uninspected slaughter houses last year, but the actual number probably greatly exceeded that figure, as the tendency would naturally be to send diseased animals to slaughter houses where there is known to be no inspection, instead of to federally inspected plants.

As the result of a survey recently made to determine what proportion of cities maintain meat inspection and what the quality of the inspection is, out of over 1,400 cities included in the survey, only 195 were shown to have meat inspection of any kind. In most of these no effort is made to maintain the government standard. One of the purposes of the survey was to ascertain how many cities have a public abattoir, which, according to Mr. Roberts, also of the bureau of animal industry, affords the most practical way in which a community can properly protect its citizens against diseased and unwholesome meat, because only at such central places can a thoroughly efficient system of meat inspection be economically carried out. After sifting the reports, it appeared that only 27 cities have municipal or central abattoirs. Sixteen of the 27 are southern cities—Albany, Ga.; Macon, Ga.; Baton Rouge, La.; Winston-Salem, N. C.; Laurens, S. C.; Beaumont, Texas; Taylor, Texas; Paris, Texas; Winchester, Va.; Anniston, Ala.; Atlanta, Ga.; La Grange, Ga.; Columbus, Ga.; Savannah, Ga.; Norfolk, Va.; and Roanoke, Va. Eight are in the northern portion of the country west of the Mississippi—Joplin, Mo.; Devils Lake, N. D.; Grand Forks, N. D.; St. Cloud, Minn.; Yakima, Wash.; Moorfield, Minn.; St. Paul, Minn.; and Lincoln, Neb. Two are in New England—Bridgeport, Conn., and Pittsfield, Mass. The remaining one is Detroit, Mich.

The number of inspectors devoting their whole time to municipal meat inspection is 226, while 182 others are engaged part time. The leading states where inspectors devote their whole time to the work are California, Ohio, Louisiana, Kentucky, New York, and Texas. Salaries average highest in Washington, Oregon, and Louisiana and lowest in Massachusetts and Indiana.

A few only of the cities have a really adequate inspection of meat. Those ranking highest in point of expenditures and number of inspectors engaged are San Francisco, Cleveland, Los Angeles, Oakland, Columbus, Louisville, New Orleans, Denver, and Philadelphia.

*

How Some Cities Tackle Food Problems.—That municipalities are tackling their local food problems in a variety of ways, some of them unusual, is evidenced by reports received by the city marketing division of the bureau of markets, United States department of agriculture.

From establishing curb markets, remodeling or building retail market houses, efforts of cities have expanded until some are actually selling food supplies, while one city of about 65,000 population is operating a farm and selling produce from it at retail.

Houston, Texas, which has a municipally owned retail market house, has taken over three stalls in the building and is handling fruits and vegetables in competition with its tenants. In order to be fair to other retailers it charges itself with all overhead expenses paid by other dealers, including rent, and also pays wages higher than those paid in other stalls. Reports on ten weeks' operation of the city-managed stalls show that it is possible to buy and sell produce in competition with local merchants at both a direct and indirect saving to consumers. The experiment is to be enlarged to include food products other than fruits and vegetables and is said to be already serving as a stabilizing influence on prices in that city market. Competing merchants have become interested in the methods of doing business of the city-operated stalls and appear anxious to try out practices that would enable them to lower their prices.

Allentown, Pennsylvania, has gone into farming on a farm acquired for other purposes which, through changes in municipal plans, was lying idle. Under the direction of one of the city aldermen this farm is producing vegetables and selling them at retail in competition with shipped-in produce. The farm also feeds 1,000 head of hogs on city garbage. Local advocates of the plan now propose to include the use of an old brewery as a storage warehouse for potatoes and other products grown by local farmers, so as to lessen the city's dependence on shipped-in products.

Although the bureau of markets, through its city marketing division, is keeping in touch with developments in many cities and is compiling information for use in answering inquiries, it states that it would be glad to hear from any cities, not as yet reached by formal inquiries, which are working on local food problems through municipally owned shops and by other methods differing from those that have been followed in the past. The bureau plans to make available information in regard to the successes and failures of cities in their efforts to solve their food problems in order that municipalities contemplating special action may have the benefit of the experience of communities faced with similar conditions.

Public Ownership Conference Discusses Street Railway Operation.—At the recent public ownership conference held in Chicago, Dr. Delos F. Wilcox of New York, ex-governor Eugene N. Foss of Massachusetts, ex-governor Edward F. Dunne of Chicago, and others, presented the subject with reference to street railways, describing the situation in various cities which go to create a crisis in municipal traction, which Dr. Wilcox characterized in these words: "The street railway business as a general rule throughout American cities is on the rocks. A large majority of the companies are overcapitalized, and with wages increasing and prices of material abnormally high, street railway companies are finding great difficulty in remaining solvent. Almost everywhere fares have been increased in an effort to keep revenues above expenditures but increase in fares invariably reduces traffic and cuts down revenues.

"In this situation the times point inevitably not only to the desirability but to the necessity of public operation. So long as street railways are privately owned there must be an irreconcilable conflict between the interests of the public and the interests of the company. Street railway transportation is a public function and it should be taken over by the government in the interests of the public.

"The crying need now is the preparation of concrete plans that will make municipal ownership possible. It is not enough to vote in favor of the principle of municipal ownership. We need a definite policy, not a set of abstract principles.

"The great stumbling block, of course, in the way of putting municipal ownership into operation has been the question how to pay for the street railways. Probably the best solution of this question is that provided in the state of Washington, where cities are allowed to pledge the gross earnings of the utility in the payment of bonds issued for their purchase. By this method the city of Seattle was able to buy a street railway system by issuing bonds against the property itself and outside of the limitation on indebtedness imposed by the state law."

◆

Seattle (Washington) Regulates Hotel and Apartment Rates.—Declaring that the rates, rentals, and charges levied or collected by landlords, keepers, proprietors, and managers of hotels, inns, apartment houses, flats, tenements, rooming houses, lodging houses, and other places of limited habitation, have given rise to intolerable conditions highly detrimental to the public peace, health, welfare and economy, and demand the exercise of the police power of the state and city, an ordinance of the city council of Seattle, Washington, provides a method for the regulation of such rates, rentals, and charges. In addition to requiring that all hotels, apartment houses, etc., shall be licensed, and that all tariffs shall be filed and posted, the ordinance creates a complaint committee, consisting of the city license inspector, the city engineer, the superintendent of buildings, the commissioner of health, and the superintendent of public utilities, to investigate all complaints against tariffs by tenants or guests, and to report to the city council. In the case of any tariff reported as unreasonable the city council is to fix a reasonable rental, rate, or charge which the proprietor of the hotel or apartment house involved is required to observe. Such action of the city council is subject to review by the police judge and the superior court. Maximum penalties of $100 and 30 days' imprisonment are provided for violations of the ordinance.

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Council-Manager Plan for Memphis Endrosed.—Writing of the council-manager plan proposed for Memphis, Tennessee, Mayo Fesler, of the Brooklyn chamber of commerce, says: "In my opinion, it is one of the best pieces of charter drafting that I have seen. It is sound, not only in phraseology but also in the plan of government as proposed.

"Fixing the number of councilmen at twelve for a city the size of Memphis, is, to my mind, about right.

"While I should have preferred to see the proportionate representation plan of elections included, I realize that this system of election is not yet sufficiently popular for us to expect its adoption.

"The recall provisions are entirely adequate. The initiative-referendum provisions are in the best form.

"I have some doubt as to the advisability of giving the council quite so much power in defining the functions of departments and abolishing departments established by ordinance, or transferring the duties of departments. I fully agree that it is sound in principle; but in practice it has not worked altogether well in the city of Cleveland.

"The civil service provisions are thoroughly good.

"The city planning provisions, I believe, could be improved upon; but there is possibly something in the local conditions which makes these provisions necessary. I should like to see the planning board have the power of veto on public improvements rather than merely the power of making recommendations.

"On the whole, however, it seems to me a thoroughly good piece of work, and, if Memphis can secure this charter from its legislature, the city and its citizens are to be congratulated."

II. JUDICIAL DECISIONS

Franchises.—A franchise was granted to the Hardin-Wyandot Lighting Co. by the village of Upper Sandusky in 1889. At that time the statute provided that the mode in which the streets could be used for lighting and power appliances must be agreed upon between the parties or, that failing, by the probate court. In 1896 the law was amended, giving the municipality exclusive control over the erection of any such appliances in the streets. The supreme court of the United States in this case[1] sustained the Ohio supreme court in holding that the change in the law impaired no federal constitutional rights of the company, especially since the effect of the statute was not extended to poles and wires in use at the time but was limited to the restoration of those that had been removed and to new additional construction.

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Street Sprinkling.—An ordinance of the city of Sacramento, requiring the street railway during the months of June, July, August, September and October of each year to sprinkle its tracks and for a distance beyond sufficient to lay the dust, was held not violative of the due process clause of the fourteenth amendment as an abuse of the power of the state delegated to the city in the case of *Pacific Gas & Electric Co.* v. *Police Court of Sacramento*.[2] It was also held not violative of the equal protection clause as resting on an improper basis for classification between street cars moving on tracks and other vehicles in the streets.

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[1] 40 Sup. Ct. Rep. 104.

[2] 40 Sup. Ct. Rep. 79.

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Impairment of a Contract.—The supreme court of the United States in the case of *Hays* v. *Port of Seattle*,[1] decided that a state law vacating part of a water-way and conferring title on a municipality did not deprive the complainant, who had a contract with the state to excavate it, of property without due process of law, since if he had any property rights which were taken, the taking was for a public purpose and the state law provided adequate remedy for this. The requirement of due process was, therefore, satisfied by the ascertainment of compensation after the property was taken.

◆

Bond Issue to Purchase Street Railway.—This was a taxpayer's suit to prevent the city of Seattle from issuing bonds to purchase the street railway system. The supreme court of Washington in the case of *Twichell* v. *City of Seattle*[2] held that this transaction did not create any indebtedness because the interest and operating expenses were to be paid from gross revenues and consequently the city council had a right to act without the sanction of the voters. Two judges dissented saying that in their opinion the ordinance of the council was drawn with the intent to charge the general fund or at least leave the way open to levy a direct tax, thus violating the letter and spirit of the law.

◆

One-Man Car.—The supreme court of the United States in the case of *Sullivan* v. *City of Shreveport*[3] recently affirmed the judgment of the supreme court of Louisiana, holding that an ordinance requiring every street car to be operated by a conductor and a motorman subject to a penalty for violation is presumed to be a lawful exercise of police powers for public safety. The court further held that, notwithstanding a contested claim of safety for the one-man car, the ordinance cannot be held unconstitutional in the absence of the showing of a clear case of arbitrary conduct on the part of the local authorities.

◆

Municipal Ice Plant.—This was a mandamus suit to compel the city comptroller of Kansas City, Missouri, to sell bonds authorized at an election for the erection of a municipal ice plant. The supreme court of Missouri in the case of *State* v. *Orear*[4] said "we are of the opinion that the business of making and selling ice by Kansas City to the inhabitants of that city is not so far a public purpose as to warrant the expenditure therein of public money obtained as the proceeds of municipal bonds, the payment of which with the interest thereon would be met by the levy and collection of public taxes." They held further that the city had to have specific charter authority to take this step. There was a strong dissenting opinion based on the fact that ice is important to the public health, and that, therefore, under the police power the city could go into the manufacture of ice to protect the food supply and the public health generally.

◆

Home Rule.—The city of Kalamazoo attempted to set the price of gas for a utility whose franchise had expired. The supreme court of Michigan in the case of *Kalamazoo* v. *Titus*[5] held that the ordinance was void, the city having been delegated no power to regulate gas rates. The court stated also that the power to regulate rates is not a power necessary to local self-government, denial of which or interference with the exercise of which by the legislature would be an interference with home rule.

◆

Appointment of Board of Health.—This case arose over the question whether the mayor or the city manager had the power to appoint the board of health. The supreme court of Arkansas in the case of *McClendon* v. *Board of Health of Hot Springs*[6] held that the city manager was an officer rather than an employe and that he had the power to appoint the board of health, the provision of the old law giving the mayor that power having been repealed. It is interesting to note that the court held that the section of the law providing that the city manager need not be a resident of the city was unconstitutional because the manager would not have the qualifications of an elector as required by the constitution.

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New York Board of Education.—The New York court of appeals has reversed the decision of the appellate division in the case of *Hirshfield* v. *Cook*[7] reported in the January issue of the

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[1] 40 Sup. Ct. Rep. 125.

[2] 179 Pac. 127.

[3] 40 Sup. Ct. Rep. 102.

[4] 210 S. W. 392.

[5] 175 N. W. 480.

[6] 216 S. W. 289.

[7] 125 N. E. 504.

REVIEW. Consequently the commissioner of accounts of the city of New York now has the right to examine as a witness the auditor of the board of education in order to ascertain the financial condition of the city and the needs of the public schools, even though public education is a state and not a municipal function. Very happily the court of appeals has rectified this unwarranted interference with local self-government which the decision of the appellate division made possible.

ROBERT E. TRACY.

⁂

Apartment Houses Barred from Residence Districts in Minnesota.—By a decision of the supreme court of Minnesota, apartment houses may be barred from residential districts created by cities of the first class in that state, under the power of eminent domain. This is a marked advance. The case is that of *The Twin Cities Building and Investment Company* vs. *City Building Inspector James G. Houghton*. The act authorizing cities to create residential districts which exclude apartment houses provides that any one whose property is injured by such a restriction may secure damages from the city creating it. Under the law the damages are paid by the property owners in the restricted district, who are benefited by the restriction. The very wording of the law is a direct recognition of the fact that a disbarring of apartment houses from residential districts is of benefit to the district, and under these circumstances the damages payable should not be heavy.

The court's opinion is even more notable in its frank recognition that æsthetics are entitled to the protection of the law. The opinion, written by Justice Andrew Holt, says:

> "It is time that courts recognized the esthetic as a factor in life. Beauty and fitness enhance values in public and private structures. But it is not sufficient that the building is fit and proper, standing alone; it should also fit in with surrounding structures to some degree. People are beginning to realize this more than before, and are calling for city planning by which the individual homes may be segregated from not only industrial and mercantile districts, but also from the districts devoted to hotels and apartments. The act in question responds to this call and should be deemed to provide for a taking for a public purpose."

The winning of the case is the more notable because the supreme court itself was of the contrary opinion and handed down a decision three months ago holding the act of the legislature in question unconstitutional. A petition for rehearing was granted, and now on the mature consideration the court reverses itself and gives the city of Minneapolis a victory after a five years' fight.

The importance of the majority opinion is emphasized by the bitterness of the dissenting opinion. The sharpness of the contrasts between the majority and minority opinions brings into prominence the value of the majority opinion. Many reasons for the decision are offered in the majority opinion, one of which is that owners of land in congested cities have suffered losses through the selfish and unworthy motives of other landowners in the neighborhood, and that the absence of restrictions against diminishing values gives occasion for extortion.

III. MISCELLANEOUS

National Association of Civic Secretaries.—Registration and records show that the tenth annual meeting of the national association of civic secretaries, held at Cleveland, December 29–31, 1919, was the largest and most fruitful in attendance and value of all gatherings previously held. Dr. A. R. Hatton, president, Addison L. Winship of Boston, honorary president, Miss H. Marie Dermitt, of Pittsburgh, treasurer, and W. Frank Gentry, Kansas City, secretary, led in arranging activities of interest to all delegates. Nearly sixty civic organizations, city clubs, voters' leagues, etc., are now represented in the roster of membership.

During the three days there were luncheon and dinner meetings interspersed among program sessions, in which efficiency methods were treated from many angles of experience. In these meetings additional interest was given to the discussions by the participation of numbers of delegates attending the sessions of the National Municipal League and the governmental research conference. The two-day mock constitutional convention of the National Municipal League also was of value to the civic secretaries. Fully a score of new members, from as many cities, on being introduced, gave accounts of the work being done by their organizations, and hinted at the problems they were facing.

How to define the objectives of the civic organizations, maintain membership interest, conduct public forum meetings, solve financial problems, cultivate civic interest generally, particularly through the membership, how to manage a café without incurring a deficit, and whether the civic organization should be social or militant, either or both—these were some of the topics of debate to which the time of the meetings was devoted. Various sides were presented, when the question was: "Shall the policy be determined wholly by the officers, such as the executive board, or shall a more democratic method be devised?" Many sides of the question of publicity also were brought into the discussions.

Arrangements were suggested, and later adopted by the new officers, for securing an efficient exchange of bulletins and other printed matter; for getting circulation, among members, of information regarding available speakers for forums, lecture courses, etc.; and for gathering and exchanging data regarding membership and initiation fees and dues. Special attention was given to the interests of women's city clubs, which were represented by several delegates.

New officers were elected as follows: President, William P. Lovett, citizens league, Detroit; secretary, F. T. Hayes, city club, Cleveland; treasurer, Miss H. Marie Dermitt, civic club, Pittsburgh. The officers held a conference, following the general meeting, and outlined a definite schedule of activities for the year.

W. P. Lovett.

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Tentative Proposals Affecting the City of Chicago, to be presented to the constitutional convention, are contained in the preliminary report of the special council committee on constitutional proposals. The report sketches the development of home rule for Chicago and presents the advantages of having this progress extended and made permanent by constitutional enactment. The report then proposes a draft of a constitutional article covering the city of Chicago, in which are set forth in considerable detail the powers which the city shall have for its own government.

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A School Exhibit on American Citizenship.—At the request and with the co-operation of the New York principals' association, a series of 25 lithographed exhibit posters for teaching citizenship and Americanization to school children has been prepared by the national child welfare association. The exhibit emphasizes, by text and picture, the fact that children of school age are not merely prospective but actual citizens, that they now have civic duties to perform and soon will have others for which they should prepare. Divided under five subdivisions covering cleanliness, thrift, the value of human life, knowledge of the community, and service to the community, each of the 25 posters carries a definite lesson in good citizenship, in which the word don't is avoided and affirmative suggestions are stressed.

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"Municipal Journal" and "Contracting" Merged into "Public Works."—With its issue of January 31 the *Municipal Journal and Public Works* absorbed *Contracting*, and the combined journals are now published under the name *Public Works* as a simpler and more comprehensive one. The editors announce that *Public Works*, issued weekly, will be devoted to the design, construction, and maintenance of public works and to advance contract news relating to its field. It is promised that the best features of both papers will be retained and that no subject heretofore covered will be neglected.

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Miss Rebecca B. Rankin, who during the past year has been assistant librarian of the New York municipal reference library, has succeeded Dorsey W. Hyde, Jr., as librarian. Mr. Hyde has resigned to organize for the Packard motor company a motor truck research bureau, of which he will be the director, to collect and classify every kind of data relating to transportation problems and their solution. Miss Rankin is a graduate of the University of Michigan and of the Simmons school of library science; she has served as librarian of the Washington state normal school and as assistant to the director of the New York public library, and has displayed marked ability in her professional work. Miss Rankin will also, in place of Mr. Hyde, edit the bibliographical department of the National Municipal Review.

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Meyer Lissner Retires.—The resignation of Meyer Lissner from the California industrial accident commission withdraws from the administrative service in the industrial field one of the few attorneys of the west, or for that matter of the country, who have brought deft legal knowledge, the progressive spirit and an intimate acquaintance with economic conditions to bear upon the development and application of law in the industrial field.

THE CITY MANAGER MOVEMENT

CITY MANAGER PLAN BY ORDINANCE

The fifth year-book of the City Managers' Association, published last spring, in a résumé of facts and figures relating to city manager government, under the caption: "Near-Manager Plans Least Successful" states: "Judged from the standpoint of 'longevity' the attempts to create the city manager plan by local ordinance have met with but limited success. Out of a total of 57 such experiments, 19 have been discontinued after a short trial,—one out of three has failed."

One year later we find that, while the figures have changed slightly, the ratio remains the same; for every two towns still retaining their ordinance-empowered managers, one has abolished the office. The report stands 47 experiments extant, 25 extinct. Of the 47 towns with managers by ordinance, 10 have been so operating for less than one year. These figures are in marked contrast to the record of commission-manager cities which have adopted modern charters. Of the more than 100 municipalities so classed, not one has reverted to the old form of government.

The reasons for creating the position of city manager by ordinance are varied. Most frequently the action indicates a desire to approximate commission-manager government as closely as legal handicaps will permit, for many states have not yet sanctioned commission-manager charters for all their cities. This class includes, among others, towns in the states of New Mexico, Iowa, Pennsylvania and Connecticut, where definite statutes have been enacted authorizing such ordinances and outlining the powers and duties of the manager; also the state of California where cities of the sixth class are still held back by the governor's veto of the bill passed by the last legislature to authorize city manager charters for such cities, upon due referendum.

FIFTY PER CENT FAILURE IN CALIFORNIA

California has perhaps tried the hardest and fared the worst. Of the ten towns to appoint managers to ordinance-created positions, five have quit. In one, San Rafael, the manager went to war, and the mayor, declaring that the plan had been a great success, promised to appoint a second manager, but no such appointment has been reported. At Hanford, the ordinance specified that the plan would be tried out for a period of six months only. At the end of the six months the report of the manager indicated the need of a city manager and also the serious handicaps under which the makeshift plan compelled the manager to work. Holtville, Inglewood and Huntington Beach all had managers for a period. The report came in from Huntington Beach that there was "no more work for the manager to do."

The California towns that still have ordinance-made managers are Glendale, Anaheim, Pittsburg, Redding and San Anselmo. Coronado is reported to have recently passed a manager-ordinance. Glendale and San Anselmo are the only ones that have been on the list for more than two years. Reports of dissatisfaction have recently been received from both of these cities and in neither case has the ability of the manager been in question. Anaheim, Pittsburg and Redding are meeting with better success.

Iowa has made eleven attempts, four of which have been given up. Of these latter, the only significant case was that of Grinnell, where the position of manager was created for a period of four months, with the sole intent of facilitating a bit of political house cleaning. A capable lawyer, S. H. Crosby, was given the job and seems to have made a success of it. The other towns credited with having tried are Sac City, Bloomfield and Alta. The seven now operating under managers are: Anamosa, Clarinda, Estherville, Iowa Falls, Manchester, Mt. Pleasant and Villisca. Of these, Clarinda is the largest and has operated the longest and most successfully.

PENNSYLVANIA'S BOROUGH MANAGER PLAN

Pennsylvania has had a similar experience: four defunct and six still running, though two of the six have vacancies in the position of borough manager. The four to "pass out" are Titusville, Grove City, Philipsburg and Bethlehem. Titusville tried two varieties of ordinance and discarded both. Philipsburg made a brief experiment of appointing the secretary of the chamber of commerce as borough manager but when he accepted the secretaryship of a larger chamber of commerce the position of borough manager was discontinued. Grove City started, ran awhile and stopped, but has recently given indications of planning a second attempt. Bethlehem paid its city manager a salary of $1 a year, but the commissioners, all wealthy men, turned their salary checks over to him along with their administrative duties and worries so that he realized an income of $10,000. The reversion of Bethlehem to partisan elections and reaction against the financial program of the commission lead to the election of commissioners opposed to the manager plan.

The administration at Altoona has been a conspicuous success and improvement in varying degrees has been reported at Ambridge, Towanda, Mifflinburg, Edgeworth and Sewickley. The last two boroughs named have been managed by a single manager W. M. Cotton, whose promotion to Ambridge recently has created the vacancies referred to.

Six of Virginia's eight ordinance-created manager plans are still in operation. Staunton, the first town in the country to employ a manager, has continued under this plan since January, 1908. A very definite agitation has been under way for some little time to remodel Staunton's government in accord with commission-manager ideals. The same sort of action has been contemplated at Winchester and Charlottesville which have experienced just a sufficient amount of success under the limitations of their old charters to make adoption of the full plan desirable. Fredericksburg has enjoyed over seven years of civic prosperity under the plan while Blackstone and Farmville seem moderately satisfied. The two failures are reported from Graham and South Boston. Warrenton enters the list March first.

VILLAGE MANAGERS OF ILLINOIS SUCCEED

Illinois' sole efforts at manager government have been in four village suburbs of Chicago: River Forest, Glencoe, Winnetka and Wilmette. River Forest discontinued after about one year. Glencoe has met with genuine and complete success as is clearly the case at Winnetka while Wilmette appears progressing well under the ordinance-created manager plan. The village government laws of Illinois permit operation of this plan under fair conditions and the ability of the managers is to be duly credited for the success.

North Carolina's experience tallies with that of California. Two out of four ventures have survived so far, though the success of the plan at Tarboro, and Morehead City may have been less conspicuous than that noted in the Illinois villages. At Kinston the plan was "stillborn," while Durham,with its short-lived attempt has constituted a real menace to the manager movement, as the auditor has reported to enquiring cities that the manager plan was a complete failure at Durham, without adding that Durham never gave the manager plan half a chance.

The other cases of failure and success have been scattered,—failure and success as guaged only by the test of survival. Those on the discontinued list are: Tucson, Arizona; Lakeland, Florida; Abilene and Mulberry, Kansas; Eden, Maine; Johnson City, Tennessee, and Williamson, West Virginia.

Several of the remaining cities now operating under this quasi-manager plan have commission charters of the old type and have thus virtually the component parts of the commission-manager plan lacking only the stability, the definite cleavage of authority and the assurance of popular approval acquired by adoption of a charter. In this class are Largo, Florida, a little town of some 500 population; Eaton Rapids, Michigan; Pipestone, Minnesota, and Weatherford, Oklahoma.

To complete the records we add: Bentonville and Monticello, Arkansas; West Hartford, Connecticut, where the plan was duly voted at a public town meeting; Cynthiana, Kentucky; Columbus, Glasgow and Scobey, three small Montana towns; Clovis and Roswell, New Mexico; Clark, South Dakota; Teague, Texas and Brigham City, Utah.

WHY "NEAR-MANAGER" PLANS FAIL

The reasons for the large percentage of failure that has attended these experiments in "near-manager" government are self-evident upon brief analysis and the conclusions reached are amply warranted in fact. In the large majority of cases, partisan politics, the bane of municipal efficiency, are in no way curbed by the passing of an ordinance creating a well-paid position of such influence as that of city manager. Most appointments have gone to local men, of limited training and not unlimited ability. Usually their powers have not been clearly set forth or at least not clearly understood. The citizens, not having been formally consulted, fail to coöperate with the new official in many instances.

Frequently the council, with the best of intent, has conscientiously sought a high calibre man for manager; but men of manager-sized ability logically hesitate to accept a position of uncertain tenure and subject to abolition at any meeting of the council. Finally, the average small town council, elected under the old plan, is more than likely to contain one or two members who feel obligated to continue the practice of political patronage as a part of the "gentlemen's agreement" to which they owe their election. Certain it is that the manager is seldom free to select his subordinates upon the sole qualification of merit, unless faithfulness to party and friends be deemed meritorious.

CAUTION AGAINST FORCING GROWTH OF MANAGER PLAN

The purpose of this article is threefold: (1) The setting forth of these facts and the conclusions they seem to bear out, may forestall some city from adopting the manager plan by local ordinance when a real commission-manager charter may be obtained by a little added effort; (2) the establishing of a defense in the court of public opinion for the men who are conscientiously trying to succeed as managers under the handicap of patched-up governmental machinery; (3) the disarming of reactionary critics who have not discriminated between this "near-manager" plan and true commission-manager government, crediting the latter with failures of the former.

Colonel Henry M. Waite, former city manager of Dayton, Ohio, uttered a timely caution against the forced growth of city manager government in an informal address at the sixth annual meeting of the City Managers' Association held in Indianapolis last October.

"It is impossible to get the efficiency under the other forms of government," said Colonel Waite, "that you can get under the city manager plan if it is worked as it should be. But," he continued, "I think one of the greatest mistakes we have made is that we have tried to advance too fast in improving our government. Another great mistake, as I see it, is for cities to adopt the city manager plan when they haven't the governmental authority behind it."

Harrison Gray Otis.[1]

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[1] Secretary, City Managers' Association.

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VIEWS AND REVIEWS

I

In January, 1921, nearly all the legislatures will be in session and it seems likely that more business of importance will be transacted than in many a long year.

In the search for new revenue to meet increased costs and loss of liquor taxes a few states acted boldly in 1919 and the rest of them must in 1921. The remedy will usually be a state income tax and if the National Tax Association is adequate to the opportunity, its model program will exert a far-reaching influence. If not, the tax situation, particularly for corporations owning property in numerous states, will become confusion worse confounded.

Governor Lowden's administrative consolidation in Illinois in 1917, followed by similar simplification of the state governments in Idaho, Nebraska and Massachusetts in 1919, has set a fashion that will be widely copied in 1921. The budget movement, responding to the same pressures, does much to reveal the needless cost and complexity of state governments and if early budget operations prove disappointing from the standpoint of economy or scientific finance, much of the blame will be allotted to the ramshackle nature of the typical state administration.

Two states in 1919 restored state party nominating conventions in place of the direct primary and they may be the forerunners of jubilant reaction in many more states in 1921. Except by Dr. Boots in his voluminous and exhaustive study of the New Jersey law, the actual working of the direct primary has never been competently appraised and the wave of disgust at conventions has so far spent its force that new scientific affirmative material rather than negative emotional material is now needed. The old plan of Governor Hughes for responsible party leadership that made the nominations subject to an occasional subsequent appeal to the voters by counter nominations by petition is due for trial and conceivably may switch the tendency of the day toward a more hopeful solution than the restoration of the old style convention.

In witness whereof the National Municipal League is endeavoring to meet the needs ahead by covering comprehensively in the REVIEW the subjects of budgets and administrative consolidations down to date, by seeking incessantly for further testimony on how the new state budgets and the consolidations are working, by enlisting the Governmental Research Conference to draft a model state budget law and by creating a committee to draft and defend a model election law including consideration of direct primary, Massachusetts form of ballot, presidential preference primary, etc.

The local civic leagues and bureaus that start early on these topics are likely to find themselves unusually welcome at the capitols in January.

II

Among other projects authorized by the Council of the National Municipal League for 1920 are a committee on Municipal Pensions and another on a Model Municipal Bond Act. The basic work of both these committees is apparently half done in advance by the researches and exhaustive studies of local workers, needing only review and adaptation to make it of interest in many jurisdictions. The committee on Public Utilities has abundantly excused itself for failure to set up a complete program of reforms to be recommended to cities, by exhibiting in this issue the colossal magnitude of the task.

In the Review we have enlisted competent authorities to prepare technical supplements of permanent value on

Zoning,
Vice-repression,
Taxation,
City-manager Plan,
School Civics,
State Administrative Supervision of Municipalities,
The Illinois Administrative Code in Practice, and
City-county Consolidations.
—Now is the time to subscribe!

III

Ex-President Purdy, in his little homily in this issue, charms by his sweet persuasiveness on the subject of "Names," pleading for the withdrawal of the epithet meanings of such good sound words as "democrat" and "politician," and for a fuller appreciation of the virtues that go along with the political glad-hander whom it is so often the bookish reformers' duty to tackle.

But Mr. Purdy was not so wise in claiming that labels make no real difference. There he was denying his own record. Had you recognized him as a leading single-taxer? Does New York realize how far it moved toward single tax under Mr. Purdy's noiseless leadership? How dexterously he has avoided the label which would make the listener prejudge and resist his teaching! Scientific assessment of property—the valuation of the building at only the amount by which it enhances the total value—the elimination of the building in course of construction—zoning to stabilize and enhance land values—etc., all tending to make land values the one satisfactory and abundant source of revenue until the time comes when single taxers in Baltimore making a noisy frontal attack by proposing the taxing of buildings at half rates, find that even then their city would be drawing hardly more of the public revenue from land than New York does!

Or take "municipal ownership" of street car lines—why excite the tories by talking about it? Propose that the city guaranteed the despairing owners of the railroad a return of 5 per cent and no more in return for control of the service and fares in every uttermost detail. The tories will stand for that! Give up the obnoxious name in exchange for the essence!

The reasons why labels count for so much is because convictions are so often formed in the mind at the first impact of the idea. Few will wait with open minds while you complete your argument. Their judgments crystallize as soon as they see your direction.

HOUSING—THE TURN OF AFFAIRS IN ENGLAND

BY FREDERICK L. ACKERMAN

England had a housing shortage and a vigorous constructive housing policy prior to the war; but under present economic conditions and a greatly intensified shortage the policy no longer works.—An entirely new technique is emerging. :: :: :: :: :: ::

I

THE shortage of houses has become acute in England. Public interest has been aroused, not by propaganda but through a very large body of citizens having made intimate contact with the "problem." All hands,—workers, builders, architects, propagandists, the press and the government are bent upon solving the problem; and yet the way to a "solution" is not very clear.

In view of the fact that we are rapidly drifting into a similar condition, it may be well to examine briefly what is being said and done at the present time in Great Britain. It should be recalled that England has had considerable experience with this problem. Prior to the war, she had resorted to restrictive legislation, the "stimulation" of housing by the use of "credit" administered under authority of the Local Government Board. She had her housing and town planning act and was, at the outbreak of the war, about to make the planning of all areas likely to be used within a reasonable time, obligatory upon local authorities. A serious shortage was then accumulating and this was not being met by the combined efforts of speculative builders, co-partnership enterprises, manufacturers and local authorities. Slum clearance was being carried out in the larger cities. Five years of war resulted in the accumulation of a shortage, now conservatively estimated at no less than a million houses.

It would be a long story to review the effort which has been made to launch the project of erecting the necessary accommodations. We may, therefore, pass to the present situation. In doing so we should keep in mind that the will to do may be said to be almost universal: There is no considerable "conservative" opposition attempting to block the movement or the proposals of the government. The controlling factors in the situation are those spoken of as economic.

What it is proposed to do and how it is proposed to do it, may be seen through an examination of the "Housing" (Additional Powers) act, October, 1919, which contains a number of interesting provisions the more important of which may be summarized as follows:

(1) To make grants to persons or bodies constructing houses for the working classes, the aggregate amount of such grants not to exceed 15,000,000 pounds.

(2) To meet expenses incurred in converting houses into flats.

(3) To prohibit building operations which interfere with the provision of dwelling houses.

(4) To prohibit, under a penalty, the demolition of any house reasonably fit or capable of being made fit for habitation.

(5) To empower local authorities to raise money by the issue of local bonds.

(6) To enable local authorities to acquire land for garden cities or town planning schemes.

The Ministry reports, January 24, 1920, that the "total number of schemes submitted by local authorities and public utility societies is now 8,380, comprising about 60,000 acres. The schemes approved now number 3,942 and comprise about 33,500 acres."

BUILDING SITES

Schemes Submitted.—The number received from sixty-six local authorities was 270, comprising 486 acres, and bringing the total number of schemes promoted by local authorities to 8,279, covering approximately 57,000 acres.

Schemes Approved.—The number of schemes approved was 199, bringing the total number approved to 3,904, comprising about 32,550 acres.

LAY-OUTS

Schemes Submitted.—Eighty schemes were submitted by forty-eight local authorities, bringing the total number of schemes submitted to 2,296.

Schemes Approved. — Seventy-one schemes, promoted by forty-four local authorities, were approved, bringing the total number of schemes to 1,574.

HOUSE PLANS

Schemes Submitted.—Schemes, representing some 4,727 houses, were submitted by sixty-two local authorities. The total number of schemes submitted represents 92,678 houses.

Schemes Approved.—Schemes, representing 3,220 houses, were approved. The total number of schemes approved represents 76,729 houses.

Notwithstanding these figures and the inducement of a subsidy of 150 pounds which have been offered, the actual work is proceeding very slowly, so slowly as to suggest that the shortage will never be made good; for the rate of construction is far behind that of pre-war days—when the shortage was then accumulating.

While there is much talk and some action in line with the provision of additional housing in London and the larger cities, there is hope contained in the rule laid down by the Treasury with respect to finance. All authorities with a ratable value of 200,000 pounds are expected to find their own capital. It looks as if the significance of Letchworth was being worked into a program of government action.

II

After one has examined every phase of the problem and made note of how little progress is actually being made, how utterly impossible it is to work out an "economic" program for building these houses at this time without completely upsetting the present relationship between wages and rents, he is led to the conclusion that the problem is not to be solved by any program or formula which even remotely resembles the pre-war technique.

For the pre-war technique was, with the exception of restrictive legislation, at bottom an attempt to counteract the current of investment for profit (as related to land and production) which flowed toward those fields of investment where the chances of profit were many times larger than could be produced by investing in buildings for housing the people.

It is plain enough that the various schemes of "stimulation" were one and all in the nature of collective action as regards the consumption of goods (expressed in the occupancy of buildings and rents). It was not collective action as related to production. What these schemes really aimed to accomplish was the insurance of the usual prospective speculative profit which had been derived from building operations of the character so universally deplored. The building of houses under the reign of "stimulation" was a means to an end. The means was the building of houses; the end was profit upon investment. In the days before speculative enterprise in building failed completely to keep pace with the demand for houses—houses were merely the by-product of a speculative adventure. They are still so rated; and the reason why they are not now being built is simply because the subsidy and the other sundry odd aids and inducements held out are not sufficient to insure that amount of profit which is likely to accrue to those who invest their capital in other enterprises promising a much greater speculative return.

III

The prospects for the future in England would be gloomy indeed were it not for the fact that the drift of opinion as to what constitutes a "solution" is shifting from its old position. The new suggestion may be doomed to failure; but this may be said of it—it strikes at the elimination of certain of the causes which make for the shortage.

The building workers of Manchester have offered to form a guild and to build, for a beginning, 2,000 houses for the Manchester city council. In fact, the Islam council has before it rival offers from the Trade Union guild committee and from the local master-builders. In view of the general labor conditions, the fact that the guild is in a position to insure the necessary supply of labor while the master-builders are not, raises an extremely interesting question as to the relative value of these two proposals. This condition of fact taken in connection with close relationship now existing between labor and the technicians, and the tendency of these to pull together, suggest that if this program should succeed the way was open for the complete elimination for the social losses occasioned by speculative building and price competition.

The significance of this proposal is not confined to the elimination of the losses referred to. The building of factories and "luxury" building goes on apace and under criticism. The guild would be able to mobilize labor and direct its effort into such building operations as are most urgently needed. To succeed here would be to solve the housing problem; for it is and has been the use of labor in connection with the production of socially useless goods that has left the common man to find his home in the slum. Naturally there is argument and debate regarding the financial arrangements, the guarantee, etc., which would have to be made. Well! what *are* the financial resources of the average speculative builder? What about his guarantee? One may argue this question without end and get nowhere; the final answer will probably be found by the old trial and error method: and it is more than likely that the final answer will rest upon the validity of these grounds. A financial guarantee has no value unless it contains a labor guarantee. The builder may give a financial guarantee, but he is not able to deliver a labor guarantee. Only labor is able to deliver this. The question arises will labor be afforded the chance to deliver?

THE INCOME TAX VERSUS THE HOUSING SHORTAGE

BY WALTER STABLER

In his position in the Metropolitan Life Insurance Company, Mr. Stabler is one of the largest and most scientific lenders of mortgage money in the world and possesses an extraordinarily broad knowledge of real estate conditions. :: :: :: :: :: :: ::

None of the conditions resulting from the war is causing so much uneasiness and such serious discussion as the housing situation. By housing, I mean not only places for people to sleep and eat, but places where they must work and carry on their daily vocations. Dwellings, apartments, factories, stores, office buildings, hotels, in fact every class of building used by man, are in short supply, and this scarcity is increasing. Enough has been said and written in the past two years as to many of the causes of this shortage so far as the supply and costs of labor and material are concerned. The situation in these respects has cleared to some extent—not by any means enough nor as satisfactorily as we could wish, but there is material to be obtained and labor to be had but at increasingly high prices. But we must have buildings even if they do cost more than has ever been known, and we must pay higher rents than were ever dreamed of, for we must be protected from the elements when we sleep and work, and we must and will adjust ourselves to the changed conditions and make the best of it.

THE WORST FEATURE

But the most serious shortage in the entire situation is the shortage of money for mortgage loans to finance building operations. There is plenty of money in the country, but it has been taxed out of the mortgage market into other channels, where the chances of profit are greater or the income taxes less, or where securities are tax exempt. Money for mortgages has heretofore come very largely from individuals and estates, very many of whom preferred this very safe and sure form of investment to other securities of fluctuating values. Very many conservative men of large means formerly directed their executors to invest the funds of their estates in bonds and mortgages. I doubt if this practice will be continued so long as the income taxes on large incomes remain as high as now. When a gross interest rate of 6 per cent is reduced by income taxes to a net of 2 to 3 per cent, the nontaxable municipal or state or county or school or even road bonds paying 4½ to 5 per cent net are naturally preferred. This has resulted in the entire removal from the real estate mortgage market of untold millions of money, and this process will continue unless the income tax laws are so modified that investors will feel justified in again putting their funds into mortgages. They surely cannot be expected to leave their money in highly taxed mortgages or make new investments of this kind, when there are many other perfectly safe securities which will pay twice as much because of tax exemption. Holders of mortgages in large sums, and estates, formerly heavy investors in such securities, are calling these loans as rapidly as they come due, often to the serious inconvenience of the property owners. Many of our largest real estate owners are selling their holdings and requiring payment in full in cash. The replacement of these mortgages and the cash needed to pay all cash for such real estate purchases must be and has been obtained from the savings banks and life insurance companies, which are not so heavily taxed or are practically tax exempt. This removes from the mortgage market just so much money that could have been used for the production of new buildings.

FACING THE ISSUE

Let us, therefore, face the question squarely. Few of the buildings of all kinds that are so much needed can be built unless mortgage money can be obtained in very large amount. The life insurance companies, not being subject to taxation in the same way as individuals, can and are lending to the limit of their ability; but life insurance loans must be divided between city loans and farm loans, and farm loans do not increase housing to any extent. If all of the life insurance funds went into the building of places to live they would be only a drop in the bucket to what is needed. The savings banks are in much the same position and they are doing their full duty, but those two great sources of money are and will be totally unable to even begin to meet the necessary demands.

It is, therefore, imperative that the funds of individual investors and estates be induced to return to the mortgage market if we are to have any resumption of building that will begin to relieve the present serious situation. Commissions and committees may meet, and resolve and report and suggest, but this does not produce housing. We have four years of nearly total cessation of building to make up, and we cannot make up and we can never catch up unless we go at it with unusual vigor. But we cannot go at it unless we have the usual funds for mortgages, and these funds cannot be had unless there is relief from income tax requirements on mortgage interest until the shortage is greatly relieved. Then, too, we must remember that it requires fully twice as much money to build now as it did four years ago, and we have a vastly smaller sum to use for a vastly larger need.

RELIEF IMPERATIVE

How can this situation be improved? And what will bring these vanishing funds back into real estate loans? Manifestly by relieving this best of all investments from income taxes for a period of years long enough to enable us to build what we must have and what we cannot get without this relief. There have been introduced in congress and the New York state legislature several bills, the purpose of which is to relieve income derived from mortgages not exceeding $40,000 in one owner's hands from income tax. This would surely be a great help, but I think the limit is set too low. I would favor the exemption from income tax of all interest on mortgages, for a period of five years, by which time we should be again in normal condition and our people so well supplied with houses that the fear of lack of shelter and exorbitant rents would be removed. I have no doubt the reply to this or any proposal for relief from taxation will be that "the government needs the money," or such a plan would be "discrimination," etc. The income tax law was enacted because of needs created by the war—this housing situation was created by the war—the entire population in cities and towns, who are not home owners, is suffering because of high rents brought about largely by housing shortage. Such persons are doubly hurt, for besides the income taxes a large proportion pay, they must also pay excessive rents and must continue so to do until there is housing in plenty. This is one of the greatest breeders of discontent. It hits the masses and the persons of moderate incomes, and especially those of fixed incomes—they are helpless, with income stationary or diminishing and outgo increasing. This situation must be changed—these people must have their burdens lightened or we will face greater discontent than now exists.

THE PLAIN DUTY OF LEGISLATORS

We must bring this need clearly and strongly before our legislators, both federal and state—it should be urged in season and out of season. It is the duty of all real estate men and builders, and in fact every man and woman who must live in rented quarters, to push this campaign. We must say to congress that there is vastly more need for tax exemption on city mortgages for housing of urban population than there is for exemption of farm loan bonds. City dwellers have done their full share in helping to win the war, by service in the ranks and at home; by contributions to every war utility; by subscription to liberty bonds and war saving stamps, frequently to the point of embarrassment. And these things have all been done freely and cheerfully. Many of these people are now obliged to sell their bonds to meet the increased cost of living and great increase in rent. Congress and the state legislatures should remember this, and do what they can to relieve the rental situation by enacting legislation that will make mortgage money more plentiful and thereby greatly aid in increasing housing space.

THE FIRST VIRGINIA BUDGET

BY A. E. BUCK

New York Bureau of Municipal Research

Although nearly half the states have adopted fairly good executive budget laws (as described in extenso in our August, 1919, issue), very few states have as yet got their budget systems working. The difficulties in Virginia foreshadow what many governors will encounter in 1921. :: :: :: :: :: :: :: :: :: ::

I

The first Virginia budget, as presented by Governor Davis to the 1920 legislature, bears evidence to a most striking degree of the great need for reorganization of the state government. It exhibits, for the first time, the ramshackle condition of the governmental organization, showing about one hundred administrative offices, boards, commissions, departments, bureaus, institutions and other agencies which operate practically without any centralized control or supervision. It shows that the most archaic methods and procedures are being used in handling the state's business. The accounting system is decentralized; almost half of the state's revenues is held in special and dedicated funds; the fee system is still in vogue; the state is without a civil service system; and there is no centralized control over state purchasing. Can the budget, a mechanism of financial control, be made to operate effectively when geared to such a governmental machine? This is the question not only for Virginia to answer, but for almost a score of other states to answer which have adopted budget plans of a similar type to be operated under like conditions.

Governor Davis, in what may be termed his "budget message," seems to be aware of the needed changes in governmental organization and management which the budget has disclosed. He recommends that the auditor of public accounts be vested with the authority to centralize accounting procedure and to exercise auditing control over all the revenues and expenditures of the state; that certain special and dedicated funds be placed in the general fund of the state treasury; that fees and commissions be discontinued and the compensation of state officials be fixed by statute; that the services of persons be graded and the salaries standardized for each grade; and that a centralized purchasing agency be created. But does he go far enough? Can an obsolete and ramshackle machine be made to work effectively, that is to produce maximum service at minimum running cost, by the addition of a few new bolts, wheels and belts? Governor Lowden of Illinois, Governor Davis of Idaho, and Governor McKelvie of Nebraska did not think so. They made administrative reorganization a prerequisite to the adoption of a budget system which makes the governor responsible for financial planning and at the same time enables him to control the expenditures of the state government.

The obstacles arising from a decentralized administrative organization apparently led Governor Davis to compromise to a considerable extent the central idea of the Virginia budget law, namely, that the budget recommendations submitted to the legislature shall represent the best judgment of the governor as the budget-making authority. He invited five members of the legislature—two from the senate and three from the house—to sit with him in reviewing the estimates and to assist him in preparing the budget recommendations. He has the authority to call upon any officer of the administration to assist him in the preparation of his budget and this he may do without introducing the element of compromise in his financial proposals to the legislature, yet he states that he felt the need of the "experience of men of long training in the legislature in the handling of appropriations." This expedient has been used by other states, notably New Jersey, where the governor is charged with making budget recommendations to the legislature. The governor takes into his counsel a few of the legislative leaders, or representatives of the legislature, in preparing his budget recommendations, as the easiest way of preventing the legislature from giving ear to later demands of various independent officers and agents of the administration for more appropriations than the executive recommendations carry. In so doing he may fortify his budget recommendations against change in the legislature, but he tends to sacrifice an element in budgetary procedure which is of the greatest importance, that is, the element of legislative criticism of the executive's financial plan. Without critical consideration and discussion on the part of the legislature there can be little publicity, and publicity is essential to sound budget making. Still this does not mean that the executive and the legislature should act in complete independence of each other, for the determination of the state's financial policy is necessarily a joint task of the legislature and the executive. It simply means that the lines of responsibility for the different stages of budgetary procedure shall be clearly drawn.

However, one can hardly expect Governor Davis to do otherwise. He is only the nominal head of the administration; numerous independent administrative officers may ignore his budget recommendations and go directly to the legislature with their requests; and he exercises practically no control over the expenditures after the appropriations have been made. This condition is set forth by the report of the commission on economy and efficiency to the 1918 legislature, but the commission does not make any definite recommendations for administrative reorganization. It is control over the administration and over its expenditures that enables the governor to enforce his budget plan, and that at the same time furnishes him with reliable and adequate information for the preparation of the next budget. Unless such control is vested in the governor the executive budget is destined to become little more than a farce.

II

But aside from these obstacles which stand in the way of the effective working of the Virginia budget system, the budget document itself deserves consideration. In the compilation of this document the governor was assisted by a staff under the direction of his secretary, Colonel LeRoy Hodges. The principal member of this staff was Mr. J. H. Bradford, a statistician. A large number of preliminary surveys and studies were made of the various governmental agencies as well as of the general financial and economic condition of the state. These surveys and studies were conducted by special survey boards appointed by the governor and by research agencies employed from without the state (the Detroit Bureau of Municipal Research and the Institute for Public Service). The results of this work are not apparent in the budget except as they may enter into the governor's recommendations. The governor's analysis of the financial needs and resources of the state, the budget classifications used in preparing the estimates, twenty-five statistical tables, and the classified estimates constitute the budget document—a volume of more than four hundred quarto pages.

The governor's analysis gives a summary statement of the anticipated revenues and estimated expenditures for each of the two years to be financed. This statement, however, does not take into account more than one half of the total revenues and expenditures of the state government; that is, it includes only the revenues accruing to the general fund, currently appropriated by the legislature, and concerning the expenditure of which the governor makes recommendations to the legislature under the budget law. The absence of a complete statement of the financial requirements for each of the years to be financed is the most conspicuous omission in the budget document. No attempt is made to produce this most important of the budget statements even in approximate figures, since it is regarded as impossible under the present laws governing the auditor's office and because of the state's decentralized accounting and auditing system. Difficulty in this regard also arises from the habit of appropriating for a year—March 1 to February 28—which is different from the fiscal year—October 1 to September 30.

In going through the budget document one immediately notices the great number of statistical tables, twenty-five in all, which have been included. Not more than ten of these tables are of primary importance; the others merely reclassify or supplement in more detail the data contained in these tables. The ten important tables might be easily consolidated into half that number. For example, tables 1 to 4 inclusive, might be combined into a single table, showing the total receipts and revenues of the state for each of the years to be financed. Apparently, so many tables have resulted from an over-emphasis of the statistical side of budget-making; and they are likely to confuse rather than clarify the financial data. It is easy to befuddle any mind with figures, and especially is this true when legislators and taxpayers are called upon to peruse forty-nine quarto pages of statistical tables in order to understand something of the finances of their state government.

III

In conclusion, it should be said that the first Virginia budget, while prepared under certain grave limitations resulting from a chaotic administrative organization and from almost obsolete business methods, is, nevertheless, a document of such content and arrangement as to deserve the careful study of budget-making authorities in other states. Furthermore, its contents, if seriously considered, ought to enable the legislature and the people of Virginia to understand clearly, and perhaps for the first time, the pressing need for a unified administrative organization operated on modern business principles. Petty savings of a year or two should not divert the attention of the legislature from this important need. No permanent economy can be effected without change, the scope of which is indicated by the budget.

YONKERS TURNS OVER A NEW LEAF

BY STEPHEN J. PATTEN[1]

The modern way of reforming municipal politics is to organize a local bureau of municipal research and go to battle (if necessary) on a basis of incontestable facts. This is the second of a series of stories of how this method works, the Richmond story in the December issue being the first. :: :: :: :: :: :: :: :: :: ::

The political difficulties of the city of Yonkers have been in the past aggravated to some extent by the fact that it is within the metropolitan area of New York city and that over one quarter of its population are commuters withdrawing themselves from Yonkers during the day and returning tired and hungry in the late evening, usually by the subway or the New York central. With business interests and, for the most part, the amusements of the people without the city limits, the voters need to be spurred to give heed to local problems. In addition to this difficulty, the geographical remoteness of much of Yonkers from other parts has prevented that growth of community interest and civic patriotism which one usually finds in more closely-knit communities. Yonkers consists of about a score of isolated communities spread over an area of twenty-one square miles, each a little commuters' paradise and each self-sufficient except for what the great metropolis supplies. These conditions and the fact that the city has a large and heterogenous foreign population made the city fertile soil for the growth of that typical American product variously described as "the machine," "the ring" or "invisible government."

Yonkers fell an easy prey for a little group of political parasites who for many years Tammanyized the city. In 1916 the rapid and disproportionate increase in the city's annual expenditures and its indebtedness caused the tax rate to mount in alarming fashion and threatened the stability of real estate values. Some of the substantial citizens of the city, becoming aware of this situation through the unpleasant pressure upon their pocketbooks, decided after investigation that steps must be taken if the city was to avoid bankruptcy. The establishment of a bureau of municipal research was decided on with a view to turning the search-light of publicity upon the activities of those who were in charge of the city's destinies. The aid of the New York bureau (which had itself started with similar aims and purposes) was invoked to supply the needed talent. Funds for the support of the organization were easily collected from interested taxpayers and the first secretary started to work. The bureau was destined to be a paying investment to all of its subscribers. In fact it was the genesis of a reform movement which has definitely aligned Yonkers among the well-governed cities of the state.

BUDGETARY PROBLEMS

Naturally enough, the first problem toward which the bureau's attention was directed was the budget. Yonkers, as a second class city, has the mayor-board-of-estimate type of charter similar to New York city. Although the law explicitly stated that the annual estimates of all departments should be placed in the hands of the mayor by the department heads on or before November first, these estimates frequently were not made up until March, with the result that tax bills would be held up until June. With the fiscal year starting January first, the city was, of course, compelled to borrow in anticipation of these revenues and the annual loss in interest charges due to sheer procrastination was $15,000. A bad feature of such an arrangement is the fact that when city money is spent in this fashion prior to the passage of the budget, it goes without let or hindrance since there is no appropriation or restraint of any kind on the city official. The first report of the bureau attacked this severely. As a result of the publicity given to this matter, the city now puts out its budget promptly at the start of the year. Moreover budgets in the past in Yonkers had never contained comparative data by which the board of estimate could judge of the need for the requests. Seeing this defect, the bureau was instrumental in preparing a set of forms for presenting departmental requests. These were adopted by the city so that now the board of estimate has detailed comparisons with appropriations and expenditures of previous years right before it.

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[1] Mr. Patten, the author of this interesting study, died on February 20, 1920.

WASTE IN THE LAYING OF WATER MAINS

Toward the end of 1916, the bureau was able to expose, in its second report, a scandalous waste of city money in laying water mains by day labor. Comparison with New York city, where work was done by contract, showed that Yonkers had spent in one year, $80,000 on work which should have cost only $20,000, paying five times what New York was paying per lineal foot in laying water mains. So prodigal had been the expenditures that it was strongly suspected that the pay-rolls of the department of public works were padded for political purposes. As a result of this report, an ordinance was passed in April, 1917, ordering this work to be done thereafter by contract.

Other reports were put out by the bureau with constructive recommendations in each case which were for the most part adopted by the city. The discovery of a serious cash shortage due to the dishonesty of the cashier in the treasurer's office was the occasion for a report advocating reforms in payment procedure which would place a better check upon the cashier and prevent dishonesty or unintentional errors.

A BAD WATER EXTENSION PROJECT

One of the most illuminating reports put out dealt with the problem of water supply in Yonkers. To deal with a shortage regarded as imminent, the common council of the city of Yonkers had in 1913 embarked on a very costly project—the enlarging of Grassy Sprain reservoir. The total cost was figured to be somewhere in the neighborhood of $4,000,000, and the annual charges for maintenance and fixed charges were estimated at $315,000. Even with all this expense the new plant would be insufficient in 1935. The report of the bureau put out in December, 1917, condemned this project and advocated its abandonment, backing its contention by figures showing conclusively that under the only possible method of financing the project, the carrying charges would be greater than if other methods of obtaining water were adopted. Instead the bureau advocated that the city take advantage of chapter 601, laws of New York for 1916, which gives municipal corporations of Westchester county the right to purchase water from New York in an amount proportionate to their population at the same rates that are charged in New York city. The computations made showed that the carrying charges for the Grassy Sprain reservoir extension up until 1935, when it would be insufficient, would total $868,000 more than the total cost of the necessary water purchased from New York city during that period. Furthermore by that time the $4,000,000 extension would be only about half paid for. So forcefully were the conclusions presented that the city abandoned the improvement of the reservoir. While it was found that the existing supply was unexpectedly sufficient for a time, the city is now preparing to tap New York city's Hillview reservoir, thus carrying out in full the recommendations of the bureau.

THE REFORM MOVEMENT

In the spring of 1917, the election year, there were a series of scandals culminating in a grand jury investigation. A number of city officials, some of them close to the mayor, were implicated. Irregularities of various sorts were uncovered. Five employes of the city were indicted for alleged felonies. As a result of these disclosures and a general realization of the shortcomings of the administration, something resembling a reform agitation swept over the city. William J. Wallin, an able lawyer and a close student of municipal problems was selected by the reform element as its candidate. He had been a trustee of the bureau since its inception and in the ensuing campaign received the backing of the sponsors of the research bureau, though the organization itself, of course, could not participate actively in politics. Though nominated on the republican ticket, he made a non-partisan plea on the issue that the "old gang" should be swept out of the City Hall and was elected by a large majority, attracting many democratic votes.

Immediately after his accession to office, the new mayor was confronted with financial problems, most of which were a heritage from the preceding régime. The democrats in the election year had resorted to the old trick of purposely overestimating revenues, thereby bringing about a low tax rate for that year. As a result Mayor Wallin was confronted with a huge deficit estimated at $629,675.51. Maturing obligations, consisting largely of running expenses of previous years, brought the total which had to be met, over and above operating expenses for the year 1918, to $2,186,011. Indeed the finances of the city were in a chaotic condition; the debt limit had been practically exhausted and there was upwards of five and one-half millions of unpaid taxes and assessments outstanding. The stupendous task of correcting these conditions and restoring the city to solvency was undertaken by the new administration with a good deal of courage and capacity. About half of the $2,000,000 was bonded and the remainder was met by boosting the tax rate to 3.51.

A comprehensive report of the bureau, put out at the start of 1918, discussing the various charges the city had to meet and explaining the necessity for the high tax rate brought the precarious financial condition of the city before the voters in effective fashion.

TAX AND ASSESSMENT ARREARS

This problem Mayor Wallin acknowledges to be the worst with which he is confronted at the present time; for indeed it is a long ways from being settled. The trouble here had its roots in the old régime of spendthrift extravagance. The proximity to New York had naturally caused Yonkers to experience in the past something of a boom. In fact since 1903, the population of the city (103,066 at present) has doubled.

A feverish desire to accelerate this boom and the natural spendthrift instincts of the politicians, which required little urging when it came to a matter of letting contracts to their friends, caused a great number of local improvements to be made in outlying districts which could not afford to pay for them. Lots only worth from $100 to $300 were frequently assessed for improvements up to their full value. Streets were cut through, and other improvements undertaken in districts which were practically undeveloped. A good deal of real estate became submerged under these excessive charges; people not only refused to pay the assessments but also failed to pay any taxes subsequently and the parcels involved became dead-wood on the rolls. The situation was aggravated by the fact that until 1917 the tax lien law which was supposed to aid the city in collecting taxes in arrears did not give the purchaser of tax liens a good title; consequently when the liens were offered for sale by the city, no bids were made and the city was forced to bid in practically all of them itself. This was remedied in 1917 by a bill which the bureau of municipal research helped to draw, but by that time, matters had gone from bad to worse. It was impossible for the city to sell the tax liens unless ample security in the value of the property was offered. Wherever the lien exceeded, equalled or even came near equalling the value of the property it was impossible to sell it in this fashion. So bad had the situation become, that a good many of the liens were unmarketable for precisely this reason.

In January, 1919, the Yonkers bureau went to the New York bureau and obtained the aid of two or three experts to make a thorough diagnosis of the tax situation in the city. It was found that the total uncollected taxes and assessments, which were legally collectible, amounted to $4,343,584.[1] Fourteen thousand five hundred parcels were found to be in arrears for a period greater than two years out of a total of 40,000. Probably the worst feature was the fact that the city had been spending these uncollected taxes by the simple expedient of borrowing against them on the theory that the taxes some time, somehow or other, would be paid. Seventy-six per cent of the property of the city was bearing the full brunt of all the taxes; the remainder being either exempt or delinquent. This had been long known in a general way; newspaper attacks on "tax-dodgers" had been growing in volume; but the facts of the matter had never before been presented concretely. The report showed that the 1917 law was not adequate to bring much of the property in arrears back on a tax-paying basis and advocated the "Buffalo Plan." Legislation was obtained by Mayor Wallin which would put this plan into effect. Briefly the plan is as follows: A board has been created by act of legislature composed of the following officers, the mayor, the comptroller, the treasurer, the president of the board of assessors and the corporation counsel. When a tax lien is bid in by the city at a sale, the board is authorized to receive an application from any person interested in the property for a compromise of the lien. After a hearing the board sets a compromise figure which is the amount it will take to wipe out the lien, being guided of course, by what it deems just and equitable and by what it thinks the city can get. Through this method, which means liquidating a lot of bad debts which the city has been carrying, it is hoped to restore ultimately most of the parcels to a tax-paying basis. Of course the city will have to face a loss, but how much better to face this loss and write it off rather than carry it as a fictitious asset! By issuing twenty year serial bonds whenever the certificates of indebtedness which the city has now outstanding against these uncollectible taxes fall due, the loss may be funded in such a fashion that the city can pay it off gradually and the burden need not be onerous in the budget of any one year.

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[1] $2,045,107.57 was temporarily uncollectible because of litigation.

While the board of compromise has not been in existence a sufficient length of time to judge of the efficacy of its work, the experience of Buffalo where it has been in operation for some time, would seem to be a strong recommendation in its favor. Buffalo, which was at one time in a similar predicament regarding tax arrears, has been able, during a period of thirteen years to compromise off arrears amounting to $1,118,560, the city being able to collect $368,206.32 of this amount.

The amount of loss which the city of Yonkers will have to bear as a result of previous maladministration cannot be exactly estimated; the state comptroller's office in a careful survey of the situation made in 1918 figured that the city would have to write off about a million in order to put all the property involved back on a tax-paying basis.

Much good work has already been done by the present administration in the collection of back taxes. A sale of tax liens was held in April, 1919, in which 11,500 of the 14,500 parcels were involved. As a result of this sale and the threat of the sale, the taxes on 5,700 were paid so that now the parcels delinquent since 1917 amount to only 8,800. It is hoped that many of these last will be dealt with through the compromise board. The following figures show in dollars and cents what the administration has done in two years to clean up these uncollected taxes:

Total Accounts Receivable on Account of Unpaid Taxes and Assessments; Years 1917 and Prior

As of	Taxes	Ass'ts	Total
Dec. 31, 1917....	$2,560,012.16	$1,913,794.67	$4,473,806.83
Nov. 30, 1919....	1,285,618.07	1,605,640.29	2,891,258.36
Decrease[1]....	$1,274,394.09	$308,154.38	$1,582,548.47

GOOD GOVERNMENT ENDORSED

In many other respects the present administration of the city has achieved signal success though laboring under distinct disadvantages. The city under its management was well able to weather the financial crisis in which it found itself in January, 1918. The high tax rate of 3.51 of that year dropped to 2.48 for 1919. The large and ever increasing deficits of the years 1915–16–17 were turned into a surplus of $157,740.44 for 1918. Although $50,000 was taken from unexpended appropriations for salary increases during the course of 1919, indications are that the city will more than break even for this year also. Instead of an exhausted bonding capacity, the city has now a quite comfortable margin of approximately $2,000,000, and can look forward to building a much needed high school building in 1920.

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[1] During the years prior to 1917 $1,300,000 levied against New York city's aqueduct was uncollected. This amount was in litigation then and is still; so it is left out of the above computation.

The citizens of Yonkers showed their appreciation of the business-like administration which they have enjoyed, by turning the recent election into a republican landslide. Mayor Wallin and his associates were re-elected by a huge majority. On the whole city ticket, only four democratic aldermen were elected and three of these were from districts which are habitually democratic.

WHAT'S IN A NAME?

BY LAWSON PURDY

I

During the war a man who had acquired a very good reputation in the city of New York, a man of German descent and bearing a German name, came to an old friend of mine, a distinguished lawyer, and said to him, "I have consulted one of the justices of the supreme court and the president of one of the banks with whom you are acquainted, concerning the change of my name. I find it is a serious handicap to me now because Germans at this stage of our life are looked upon with suspicion and it is a gross injustice to me that I should be so regarded. I am American by birth and American by tradition, American in loyalty. What do you think about my changing my name?"

My old friend said to him, "Do not do it; your reputation has been made under the name you have borne from your birth; if you change, you are running away from a temporary discomfort; you cannot remake yourself; your name will be what you make it; you have spent fifty years making it stand for something; do not run away from it."

I thought that was good advice, and it applies to the names of things and the names of parties, and oftentimes not only does the name get significance from the person that bears it or the party that carries it or the school of thought that it exemplifies, but in turn, the name gives character to the party or the person or the thing.

I am now the secretary of the Charity Organization Society of New York. A good many people who are in similar work, under similar names, have been very restless for several years, because they have said the word "charity" denoted something that was offensive, and they wanted to change it. A good many wanted to change it to the very excellent name that was given to the service that was performed by the Red Cross to the families of soldiers and sailors during the war who needed advice, help and assistance in various ways; that was called the Home Service Section of the Red Cross, and just a little while ago a man was trying to find an appropriate name for a society that would perform a somewhat similar service, and it was suggested to him that he might call it the Home Service Association. "Oh, no," he said, "Oh, no, that sounds like charity; that would not do at all."

I do not myself desire that the name of my own society should be changed; I have said to the people who want to change it, a good deal what my friend said to the man of German descent; our name is what we have made it through a generation or two; if we change the name, we will not change our reputation.

If you do not like the reputation that you now have, the best way for you to accomplish the result you seek is to change your reputation, you won't accomplish a great deal by changing your name; that name will get a reputation you don't like if you stand for something that you do not like. I believe it was said that there was a certain home for boys that underwent three or four different changes. At first it was a refuge; that got a bad name, and then it was a house of training for boys. That got a bad name, and then it turned to something else, and that got a bad name. Apparently, they had not succeeded in changing the thing, in making the institution stand for that ideal that they sought and honestly sought, so it would not do them much good to change the name.

II

I am very much afraid that we are in danger of a real failure in our governmental life that is exemplified by the bad name that, in some quarters, the term "democrat" is getting. I am not using the term in a party sense, at all. Of course, I know what my friend Judson King means by the Popular Government League—he means an institution that shall make more effective the popular will, the will of the people. What does democrat mean? It means the government of all the people, and we have for a number of years back, been using that name as an adjective, applying it to men who oftentimes are very nice men, who are hail-fellow-well-met with everybody and put on no airs, are generally considerate to their fellows and are popular. Those men may or may not be wedded to the democratic form of government; I have known quite a number of them that were very, very far removed from that, and we degrade the term democrat when we merely apply it to a man's manners and not to his political standards of conduct.

It is a good thing to have good manners in politics, there is no doubt of that, and good manners mean a good deal more than merely the ordinary politeness of life. There is something a good deal deeper in it. Whether some of you like him or not, I think our fellow citizen William Jennings Bryan owes today a very large part of that very great influence that he has from the Atlantic to the Pacific, to the fact that in public life, he has been well-mannered. During his campaign of 1896, which I well remember, a good many hard things were said about him. There were things said of him that would have been very trying to any one of us and I have no doubt were very trying to him. He was then a young man, thirty-six years old, but those hard things said of him did not draw from him one single unkind word concerning his opponents. He never declared of them that their motives were bad. He argued with them on the basis of the practices of government for which they stood, and during all this time in which he has been before the public, I do not remember that he has ever departed from that policy of treating his opponents as persons of sincerity who desired the welfare of the State but sought means for achieving it that to him seemed bad.

III

In the city of New York, where I have lived practically all my life, I have seen men elected to office who accomplished a good deal of good and yet whose standards of public life were not very high, and they accomplished it because they had a certain kindliness and consideration for their fellow citizens; and I have seen an administration, that of Mr. Seth Low—that accomplished comparatively little and did not endure to a very considerable degree, because Mr. Low, though one of the kindest and most considerate of men, had not learned how to meet men of different environment, who were the product of the common schools of the city, in such fashion that they understood him. Apparently he neither understood them nor did they understand him, and he had the reputation of being cold and aristocratic and aloof. I found him none of those things, and I think none of you would have found him any of those things. He was a most kindly and considerate man, considerate to all about him, and yet he had not learned how to approve his ideas of government to the people, because he did not know how to speak their language; and by that I do not mean that he should have descended to the language of the street, far from it; but his conduct was not such with the ordinary people of New York, as to approve the very worthy policies that he endeavored to further while he was mayor. Even during a recent administration in New York, there were many splendid and noble things that were attempted and many that were accomplished, and yet because, in various parts of the administration, persons were treated as though they were not public spirited, were treated as though their treasured ideals were of no consequence, crops of enemies were gathered up here, there and elsewhere. At the election that followed there were too many people who voted against certain persons for the very worthy things that had been done and the very worthy ambitions that were entertained, to be successful. Elections very commonly turn on antipathies rather than on positive policies.

An old friend of mine in New York who held public office a good while in a very hard position, that of tenement house commissioner, Mr. John J. Murphy, has suggested, half in jest, and half in seriousness, that for our city it might be well if, after a term of four years of our chief governing body, the board of estimate, we had an election in which the question should be determined whether the board of estimate should continue in office. If they were voted out, they could not be candidates again, we would have to have a new crop of candidates, and his theory is that if they were voted out, be they good or be they bad, we would start over again without antipathies, that the people would be disposed to vote *for* something and not *against* something. On the other hand, if the election turned out so that those who were in office remained in office, they would have the approval of the people for another period of years.

IV

There is another word I had in mind, besides democrat, that it seems to me we ought to save from the wreck of names, and that is "politician." I rather find fault with my friends who are typically represented here in this room, that they commonly use the term "politician" as an epithet of reproach. Now I conceive the politician as the man who has a worthy ideal in public life and then is skillful in accomplishing it. It is by no means sufficient to have a good platform and good intentions; if you make that platform and those intentions odious to the public, you have not achieved any very good object; you may have set back the cause of progress rather than have furthered it.

Men who have been elected to public office generally have some virtues. The fact that they were voted for by their fellow citizens is evidence that they have something in them that is worthwhile, and my experience is that men who have been elected to public office very, very rarely have sought that office without some worthy ambitions. They may be somewhat selfish; so are most of us; they may have sought the place for the salary; they may have sought it for the name; they may have further ambitions that they wish to satisfy, but they have some worthy object, and while they are there, the way to accomplish better results is to recognize the worthiness that they have and start with that as the foundation, and I think we err in misusing a very good word.

I know of no synonym, do you?

What would you call a man who is in public life, who is skillful in accomplishing the objects he seeks, and who has, in the main, good objects?

What would you call him?

I know of no term by which you can describe him better than to say that he is a skillful or an able or a useful politician. What you generally mean is that men favor persons who happen to belong to their political party who are unworthy of the place they seek or the thing they desire, and you say that was done for political reasons. It seems to me that that is to degrade a good term, and that behind it lies an idea that we are in danger of losing when we degrade our terms, when we lose words to describe things and no longer have a name for them, we are liable to lose the thing itself.

In my time, I have frequently been "researched." My first acquaintance with researchers was when I was in and they were out. I was, to some extent, well introduced, and was treated with what I regarded as reasonable consideration. I have no personal complaint, but I found that some men who were researching, were researching with the idea that their job was quite incompletely done unless they found something or other that was thoroughly discreditable, that would make good newspaper headlines when disclosed to the public. That attitude toward men in public life does not endear the researcher to those men who are being researched. You get farther and you get faster in improving the administration of public affairs where your counsel and advice are both good and welcome, where you seek to find the worthy things and develop them, and where you accord to those who have been elected or appointed to public position, the intent to accomplish worthy results. It is perhaps hardly fitting that I should preach a sermon to you gentlemen who, many of you, have had more experience than I, and yet I do feel very seriously that all of us need to put more life into these good ideas that are typified by the words "democrat" and "politician," and give them, so far as in us lies, a new and good meaning, so that thus we may further those things that all of us have at heart and which lie behind those good names.

THE GOOD VERSUS THE McCORMICK BUDGET BILL

A DEBATE AND A POLL OF THE RESEARCH BUREAUS ON THE ISSUE

BY W. F. WILLOUGHBY AND GAYLORD C. CUMMIN FOR THE GOOD BILL
BY CHARLES A. BEARD FOR THE McCORMICK BILL

The house of representatives has, by a practically unanimous vote, passed the Good bill described in our June, 1919, issue. The senate, however, centers its attention on the McCormick bill. The passage of either bill will constitute a most desirable reform and the passage of some bill seems assured. Which of the two bills should be favored? This issue, with others, was debated ably at the joint session of the National Municipal League and the American Political Science Association in Cleveland, December 30. We have allowed the leading opponents to revise that part of their arguments which dealt with this now pivotal issue and, with the co-operation of the Governmental Research Conference, have polled the directors of the principal bureaus of municipal research as seasoned budget technicians whose opinions deserve special weight. :: :: :: :: ::

FOR THE GOOD BILL

W. F. WILLOUGHBY

Director, Institute for Government Research, Washington

THE McCormick bill differs radically from the Good bill in this respect; it makes the Secretary of the Treasury primarily the budget officer of the government, rather than the President. The Good bill recognized that it would be impossible for the President to discharge his duty of receiving all of the requests for appropriations that would come up from the spending services, to correlate them and to pass upon their desirability, unless he had an organ, an agency by which he could handle that business. At the present time he has no such office that would permit him to handle that business in any way. It may be a matter of surprise to you that the President's office is not an office of record; when the President leaves it at the end of his term, he takes with him all of the papers that are in the President's office. They are considered his personal papers, he leaves the walls and the files absolutely bare. The new President, therefore, comes in without any of the records or the machinery by which to pick up the administrative work of the government where his predecessor left off. I mention that as showing that the President has never, in the past, been looked upon really as the general manager of the business corporation; he has not any office and he has not any records.

THE PROPOSED BUDGET BUREAU

This budget bill of Chairman Good provides for the creation of an office known as the bureau of the budget, that will be directly under the President. Its duty it will be, acting for the President, to keep in touch with all of the activities of the government, to be thoroughly informed of how the government is organized, to send out the requests for estimates of appropriations, to receive them, correlate them, compile them and bring to the attention of the President every issue that he really has to pass on. The bill makes it very emphatic—and this is an important point—that that bureau of the budget, with a director at the head of it, has itself no inherent powers; no powers are conferred upon it; all the powers are conferred upon the President, and the bureau is simply his executing agent. If the Good bill becomes law the President would, in effect, have two secretaries; he would have one like the President has at the present time who would be his political secretary, attend to all of his personal matters, his political matters with the outside world and the like; and he would have in his director of the bureau of the budget, an administrative secretary, who would handle for him, as his agent, all matters dealing with officers inside the government, thus giving him an opportunity to discharge the duties of a general manager.

THE MC CORMICK PROPOSAL

Now the McCormick bill differs radically from that, in that it makes the Treasury Department the budget organ: it provides that the estimates of appropriation shall go from the spending departments to the Secretary of the Treasury who shall have the authority to revise them, to eliminate the items that do not meet with his approval, and then send them to Congress.

WHY THE GOOD BILL IS BETTER

In my opinion—and this was a matter that the house select committee went into with a great deal of care—that would be a colossal blunder. The whole theory on which the budget rests is to hold the President personally and politically responsible for a work program, responsible for rendering a report as to how he carries out his duty and what he proposes. To vest this in the Secretary of the Treasury would divide that responsibility; it would give us two general managers; that is, it would give us the President with his general position of superior authority over administrative officers, and it would give us the Secretary of the Treasury exercising this general supervision over requests for appropriations. It would wholly defeat the aim of the budget of making it an issue to arouse the attention of the public by making it a political matter for which the President would stand.

The President is the only officer of the administrative branch that is elected and can be held politically responsible to the people; he is the only officer that is superior to every administrative officer in all respects; he is the only officer, therefore, that can give orders with the certainty that they will be obeyed by his subordinates. President Taft was asked, when he was testifying, what he thought about the proposal to have the Secretary of the Treasury compile the estimates. He said, in effect, "I can see the Secretary of the Treasury sitting at the cabinet table and telling the other members of the cabinet where they get off in respect to appropriations." It is perfectly certain that the Secretary of the Treasury, if he had that power, would exercise it in a perfunctory or timid manner.

In considering this problem, we are apt to concentrate our attention on the actual appropriation of money to meet expenditures. Now the really vital point is the authorization of the expenditure, that is, the authorization of the *activity* that gives rise to the need to make an expenditure. There is no proposal in the McCormick bill that the Secretary of the Treasury shall have *that* authority; the only officer who can have that authority is the President, and to have one manager saying what you shall do, and another one trying to pass on estimates to carry out those activities, is so illogical that it seems to me difficult to be supported.

THE QUESTION OF PRACTICALITY

There is one feature that gave rise to a great deal of trouble before the house committee, and that is whether it was going to be possible for the President, with all of his other preoccupations, effectively to discharge this new obligation. I think there can be very little doubt that he can.

In the first place, those of us at Washington who have had any opportunity in the past to see how things move actually on the spot, know that the President is not quite as busy a man as he is supposed to be. Of course I am not talking about war times but ordinary peace times. In ordinary times the President has abundant time.

In the second place, this bureau of the budget, if properly organized, would enable him effectively to discharge those obligations; its duties would not simply be performed at the end of a year after the estimates come in; its duties will be performed 365 days in the year; it will have all the charts and the outlines and the records of exactly how the government is organized, precisely what its activities are, its reports of revenues and expenditures, and be able to keep in intimate touch the same way as the general manager of any corporation and bring matters as need be to the attention of the President.

That certainly would be feasible, provided a phase of the budget that has received very little attention is worked out, and that phase is known as the technique of the budget.

THE TASK CAN BE SIMPLIFIED

At the present time our estimates defy intelligent examination. That is partly due to the form in which they go, and partly due to the form in which the appropriations are made. A budget ought to be, and if we had a bureau of the budget with a President with authority, it would be a highly classified document. Let me give an example. The procedure should be, the principle of the method of preparation should be, that of proceeding from the general to the particular, and primarily according to organization units. The President would say in effect, "Gentlemen of congress, I want six billion dollars to run the government. That total is made up of the following main items; so much for the legislative branch; so much for the executive branch; so much for the judicial branch; and so much for the administrative branch. The total for the administrative branch is made up of so much for the Department of State, so much for the Department of War, so much for the Department of the Navy, etc." Then supporting sheets would pick up the total for each department and indicate so much for each bureau, like the bureau of fisheries or navigation or steamboat inspection or whatever the bureau was, which would bring together in one place the entire estimate of expenditures for each one of those bureaus; then, itemized under each bureau might be sub-items of so much for each of the activities performed. If properly classified in that way, it would be possible for anybody to push their inquiries as far as they wanted. They could stop with the one figure, six billion dollars, or if they wanted to, they could push it down through one supporting statement after another to the final details of what is required to operate a lighthouse at Portsmouth, for example. A systematic presentation like this would make it possible for the President to discharge his duty effectively and make it possible for congress intelligently to perform its duties.

FOR THE McCORMICK BILL

CHARLES A. BEARD

Director, Bureau of Municipal Research, New York

On the question of the location of the budget bureau, I support the proposition that it should be in the Treasury Department, or rather that the Secretary of the Treasury should be transformed into the chief financial officer of the United States.

THE PRESIDENT'S TIME

My reasons are two-fold; first, that the President of the United States has enough to do without making the budget. Now it may be that Mr. Taft, who was a very leisurely gentleman, did have plenty of time on his hands as President of the United States, but I beg to suggest that if he had devoted more attention to the study of American public questions, he might have been a more effective President and might not have had the accident that happened to him in 1912. Also, if Mr. Wilson had studied European affairs a little more closely, we should not have dallied with German imperialism until the spring of 1917; and perhaps might not have had the Treaty of Versailles that is yet unratified. But I pass those things by with the mere suggestion that the President of the United States is the President of a hundred million people and responsible in actual practice for the formulation of our leading legislative measures and under a moral obligation to study all the economic questions that press upon the national government. He has enough to do without turning himself into a national accountant to review all the items that go into the budget. Therefore I do not want to impose upon him this obligation of assuming in detail the responsibilities. It is true that large questions of taxation and expenditure will be reviewed by him necessarily, but I mean we should put aside the thought of transforming the President of the United States into a business manager. I have all respect for a business manager, but the President of the United States has other obligations, great questions of statesmanship and public policy that have no relation to the management of men and materials.

In the second place, if the Secretary of the Treasury is made chief budget officer, the President will in fact be responsible for his primary policy, because he can appoint and dismiss the Secretary of the Treasury and therefore will, in effect, assume responsibility for the main policies of the budget.

Indeed, the President might very well present the budget to congress as his own document even though it comes from the Department of the Treasury.

Finally, my last point is based upon the experience I have had in New York city in watching the actual operations connected with the making of a budget. It is a prosaic job in the main, a very prosaic job. Under the Mitchel administration we had from a hundred and fifty to three hundred accountants, engineers and specialists continually employed in a study of the budget, the preparation of the estimates, the review of the estimates, and the presentation of the consolidated budget. They worked all the year around; they had to use the payrolls, the vouchers, the ledgers, the registers, etc., of the various departments of the city.

DUPLICATION OF ORGANIZATION

All such documents of the federal government now are in the Treasury Department, or ought to be; that is the center, the focal point for information and administration. Into the treasury the money flows; out of the treasury the money flows into the million rivulets that constitute the budget in operation. Now, to create a separate budget bureau, with all the data it should have to make the budget effective, you are going to duplicate the records that are or should be in the Treasury Department of the United States. For that reason, it seems to me, we should, just as a practical proposition, put the budget under the charge of the treasury. The mastering the details of the budget, of all budgets, I say again, is a very prosaic, business-like job. It involves taking up every one of thousands of details, such as a request for a hundred lead pencils from the Department of State, two hundred cakes of soap for the bureau of education; four hundred pounds of a certain grade of paper for the Department of War, etc., and so on all through a million,—I don't know how many,—a hundred million little details that go into the making up of the budget, when you get right down to brass tacks. Budget making requires the reviewing of each one of these requests and discovering whether it is based upon a need. The original basic information is in the details of the expenditures of the previous year. There is your starting point, finding out whether those expenditures were well made. We need to develop a big department of finance, and I think it ought to be the Treasury Department, and we ought to conceive it as a big job that calls for managerial experience and ability of the highest order. We might very well make the Secretary of the Treasury a business manager in the sense that he should study the requirements of the departments in terms of men and materials.

Just one more point in that connection; Dr. Willoughby stated that, after all—I want to get his exact language—the budget bureau will "bring to the attention of the President every issue that he really has to pass upon." I wonder whether Dr. Willoughby has considered all the implications in that remark? The controversies in budget making, as those of us who have had trifling experience in municipalities know, are innumerable; they get down to questions of lead pencils and soap and coal and supplies and clerks and stenographers. We have had in New York city the representatives of the budget making bureaus continually at loggerheads with the departments. The heads of departments have to go to the mayor of the city and complain against the action of the representatives of the budget making agencies continually, and when you get right down to cases, if the budget bureau is in the President's office, it will not have the responsibility, the publicity, the position before the nation, which the Secretary of the Treasury would have. It will be the chief center of petty negotiations over clerks and soap and supplies and materials. The President cannot be bothered with all of these matters, and your budget making officer will, in the final analysis, decide them, unless the head of the department takes it to the President and makes an issue out of it. I would like to ask this assembly what will be the action of the President of the United States when the Secretary of War or the Secretary of the Navy comes to him and says, "Your budget officer won't allow me $25.00 for this or $75.00 for that or $1000.00, or $25,000.00 for the other." Will the President take it up in every case? No; and let that go on for a few days or a few weeks, and in a little while, if the President decides against the officer, the officer will be so irritated over picayune details of expenditures, that he will tell the President to take his job. He will go back home and practice law or do something else.

That is the way I visualize your budget officer at the President's back door, doling out dollars and cents worth of supplies and material, and I believe it would be far better to have the Secretary of the Treasury responsible.

ALEXANDER HAMILTON'S IDEA

By the way, that was the ideal of Alexander Hamilton, that was the ideal with which we started out, that the Secretary of the Treasury would be the responsible financial officer. He was instructed in the beginning to bring before congress estimates of expenditures and of revenues, and, as you know, the great report which he prepared—the first report on public credit—he wanted to defend before congress in person. I am sorry that the opposition to Hamilton, based largely on factious grounds, prevented him from establishing that excellent custom. I believe we would be going back to a sound precedent if we should make the Secretary of the Treasury the responsible officer for the business management of the government and let him stand before the whole country as such.

When he would go into the cabinet, if dispute should arise there, I believe the Secretary of War or the Secretary of the Navy would far rather conduct a dispute over an expenditure with a colleague in the cabinet than he would with a budget clerk who is likely to be an accountant and not as conversant as the Secretary of the Treasury with the larger questions of policy which involve the success of the administration. What is fifty million dollars compared with the success of an administration, if it has at heart some large public policy it wants to carry out? Often we are willing to sacrifice on the business side of government to get some ideals translated into action.

For these reasons, I believe that the Secretary of the Treasury should be made our chief financial officer. He should be transformed into a managerial officer, supplied with ample funds. He should present his budget to the President and let the President stand for as much of it as he likes. The Secretary of the Treasury can then decide, if the President rules against him, on vital matters whether he wants to stay or not. Let them have it out in the cabinet and come to a final agreement about the budget. Then the President should present the budget in a message. That is the way

I feel; I don't get very excited about it; I should not want the dispute over the location of the budget bureau to defeat a bill. If I had my choice between no bill and the Good bill, I would choose the Good bill, but I hope that congress will pass the senate bill, which makes the Secretary of the Treasury the responsible financial officer.

FOR THE GOOD BILL

Gaylord C. Cummins

Ex City Manager Grand Rapids, Mich.

I think it a fundamental mistake to view the budget as a financial measure. It is a financial measure simply incidentally. Your budget is your program of work, it is your administrative program, and the administrative program is up to the President, the chief executive officer, and not up to any financial man. The finances are entirely matters of detail and purely incidental, and the total amount in your budget should not be fixed by your estimated revenues but by your estimated needs, which is an administrative thing and not a financial thing. You should not take the amount of revenue you raised last year and say, "Our budget cannot exceed that, no matter what our needs are." You have got to take your needs first, get them to the point where you are sure they *are* needs, and then dig up enough revenue to carry them into effect. What does our government exist for? To give service, not simply to cut down expenditures or to spend money; that is an important part of the program, but it is incidental to taking care of the needs.

Now your administrative program certainly does not belong with the Secretary of the Treasury; it belongs with the chief executive.

As far as overburdening the chief executive with work is concerned, I do not care how much work he has; it is partly a matter of organization. I do not expect him to get down with a lot of ledger sheets and a pen and figure out these details, but he can have under him the men responsible for drawing up the detailed budget and the President himself is strictly responsible for that budget when finally presented, and not any one else. The necessity for those detailed expenditures does not have to be worked out and threshed out with the President; in fact I think in a good deal of our budget making there has been entirely too much fighting about whether a department shall have 15 or 16 cakes of soap. I think that is mostly foolishness and generally results in people spending their time on petty little details and letting some big thing slide by. I think it is far more important to spend time on the important and the big items in the budget and the big needs laid down there than on the number of slate pencils and cakes of soap and things of that kind a department shall have. It is perfectly true that you can absolutely submerge the officer charged with making a budget with a whole lot of detail that does not amount to anything, but that is not necessary. The one thing necessary with a budget system is to have a minimum of brains in carrying it out, and that is to be expected, a minimum of brains.

FOR THE GOOD BILL

W. F. Willoughby Sums Up

A BUDGET IS A PROGRAM

It is perfectly evident that Professor Beard in thinking about this problem has directed his attention so largely to the purely mechanical features of budget making, the determination of how much soap, how many lead pencils, etc., as Professor Beard expresses it, shall be given to an institution, that he has almost wholly overlooked the larger political and general administrative principles that are involved. He has certainly failed to appreciate the facts that the problem of preparing a budget for submission to the legislature involves the two distinct though intimately related factors of determining, first, a work program and, second, the amount of money that should be granted for carrying out this program. He has apparently considered only the second phase of the problem. He appears to visualize the task of budget making as little more than that of passing upon estimates of expenditures as they originate in the administrative services for the purpose of seeing where cuts and reductions might be made. His remarks show but little appreciation of the fact that the really fundamental responsibility of the officer charged with the duty of preparing and submitting a budget to the legislature is the direct affirmative one of formulating and recommending a work program. Such a program it must be evident can only properly emanate from the head of the administration, the President, or, in the case of our states, the governor.

FORKING THE LINES OF RESPONSIBILITY

The proposal to vest in the Secretary of the Treasury the duty of passing upon requests for appropriations must in effect divide responsibility for the administration of public affairs between two officers, the President and the Secretary of the Treasury. It means that the government shall have two general managers, one of whom shall determine what shall be done and the other what financial provision shall be made for carrying on this work.

I am aware that to this the reply will be made that the Secretary of the Treasury is an appointee of the President and that as such the President is responsible for all of his acts. This is true as a legal proposition. In practical operation, however, the vesting by law of the duty of formulating a budget upon the Secretary of the Treasury creates a condition where, not only officers of the government, but the general public, will deem him to be the officer primarily responsible for the budget. Under that system it is inevitable that the responsibility of the President will be looked upon as secondary if not perfunctory. It will almost inevitably tend to defeat one of the primary ends that the establishment of a budgetary system has in view, that of making the submission of a budget the most important political act of the chief executive. It was repeatedly stated by members of the house select committee on the budget that efficiency and economy in the administration of public affairs will not be secured until the voters of the country demand it. The only way in which such a demand can be brought into existence is by compelling the chief administrative officer, who, in the case of the national government is the President, to assume direct and personal responsibility for a work program, for proposals by which this program is to be financed, and the organization and methods of administration to be employed in its execution. It is practically certain that if the duty of preparing the budget is placed upon the Secretary of the Treasury the tendency will be for the President to accept the action of his subordinate, to shift the responsibility for such budget to such officer, and thus to destroy in large part, in the eyes of the public at least, his own direct personal responsibility. The situation, in a word, will not be much better than it is at the present time, since as is well known the President is now, in theory at least, responsible for the acts of all of his appointees.

Professor Beard has rather stressed the impossibility of the President giving any personal attention to the scrutiny of the estimates as prepared by the administrative services. Of course it is absurd on the face of it to think that the President with the stub of a lead pencil or in any other way is going to concern himself with those details. It is equally absurd to think that the Secretary of the Treasury is going to do any such work. Under both the Good bill and the McCormick bill this work will be done by a technical budget bureau and the introduction of that sort of comment tends to becloud the issue.

THE EFFECT OF TRADITION

The McCormick bill is framed upon the theory of seeking to give to our Secretary of the Treasury a status similar to that of the Chancellor of the Exchequer of Great Britain. Were it possible to achieve any such end I would feel inclined heartily to support the proposition. I am persuaded, however, that any such attempt is futile. The status of the British Chancellor of the Exchequer as an officer superior in authority in respect to both administrative and financial matters over his colleagues in the cabinet is one that he has as the result of hundreds of years of established convention. He has back of him an unbroken tradition of hundreds of years. Our Secretary of the Treasury has no such tradition. There is no possibility at this time of erecting the Secretary of the Treasury into an officer whose right to pass upon and revise the proposal of his cabinet colleagues will be acquiesced in by the latter. President Taft was most emphatic in his testimony on this point before the house committee on the budget and his testimony was strongly supported by other administrative officers such as ex-Secretary of War Stimson, the Assistant Secretary of the Navy Roosevelt and the Comptroller of the Treasury, Judge W. W. Warwick and others. If anything is certain it is that if the power to revise estimates is vested in the Secretary of the Treasury he will exercise that power only in a timid and perfunctory manner. If he attempts anything more discord in the cabinet will be engendered. There is but one administrative officer who is superior to all other administrative officers in the government and that is the President. He, and he alone, can lay down the law to other administrative officers with the assurance that his decisions will be acquiesced in. He, and he alone, is the only administrative officer who can be held politically responsible for his program. Anything that will tend to lessen in any degree the directness of this responsibility will weaken the effectiveness of a budget system in its practical operations. It is imperative that we shall place the President in a position where he is compelled to go before the country with a plain statement that: "This is my administrative program for the ensuing year; upon it I wish to be judged; and upon it I am willing to stand."

THE POLL OF THE RESEARCH BUREAUS

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Omitting the N. Y. Bureau of Municipal Research, Dr. Beard, who has defended the McCormick bill in the foregoing pages and the Institute of Government Research, Dr. Willoughby, who has defended the Good bill.

1. FOR THE GOOD BILL

FREDERICK P. GRUENBERG

Director, Philadelphia Bureau of Municipal Research

An outstanding feature of the McCormick proposal is the one that would take from the Treasury Department all organizations in it not having to do with finance, e.g., The U. S. Public Health Service, Coast Guard, Secret Service, etc. That these administrative units have no place in the financial department of the government would appear to be obvious, yet all of them have been under the treasury since their organization, and up until the creation of the Department of Commerce and Labor some years ago that department also had charge of immigration. This highly commendable feature of shearing the Treasury Department of these non-fiscal activities does not appear in the Good bill.

Reverting to the purely budget provisions, we find that the Good bill provides for the creation of a bureau of the budget in the office of the President, while the McCormick bill makes the Secretary of the Treasury a "Minister of Finance" whose function it will be to prepare the budget for the administration.

If the non-financial activities are to remain in the Treasury Department, it seems to me that the budget functions should without question be placed in the hands of an official directly under the President, but if the Treasury Department is made what it was doubtless originally intended to be, the purely custodial and financial branch of the government, there is room for the view that it would make no vital difference whether the Secretary of the Treasury or an official under the President were the budget officer. The budget is so vast an undertaking and involves so much in the way of policy as well as mere dollars and cents, that the Good scheme would appear to be better. The arguments on this point are (1) continuous collation of information and material by a specialized staff free from administrative (line) duties, and (2) direct, instead of indirect, presidential responsibility. In either case, the President would ultimately be answerable to congress and to the nation, of course, for the work program and the financial program submitted in the administration's budget but the McCormick plan is less direct.

The main thing is that the principle should be recognized of having the executive responsible for initiating programs and that means be devised for eliminating "pork," overlapping, inefficient spending, and all similar forms of extravagance, waste and inefficiency. The experience of democracies has shown that the principle of having the administration answerable to the legislative body on a program which it prepares and for which it assumes responsibility, is the one best calculated to secure effective and responsible government, and that we should so long continue ignoring this principle will be a matter of amazement to the historian and political scientist of the future.

2. FOR THE GOOD BILL

LENT D. UPSON

Detroit Bureau of Governmental Research

Discussion of the McCormick-Good budget bills has turned largely on the question of whether the Department of the Treasury or the President should be responsible for the collection and preparation of departmental estimates for submission to congress.

It is argued by supporters of the McCormick measure that the Treasury Department is currently in possession of financial information and is equipped with collection machinery that would be needlessly duplicated by the creation of a budget bureau immediately subordinate to the President. It is also advanced that the President is too fully engaged with important affairs to be considered in the details of financing public activities.

However, the real purpose of a budget is not the mere estimating of available revenues, and their allocation to this or that object of expenditure, but is to determine public needs in the order of their urgency and cast about for means of financing them. Obviously such a duty rests initially upon the President, who may recommend to congress through the budget the policies he believes of first importance. Certainly such a duty should not be exercised, even to the extent of advising the President, by the Treasury Department, coequal with the other departments. Incidentally, the President may find more time to consider estimates than is generally assumed.

In the end, however, probably either bill will provide the machine for producing a budget from the President's side. The most important question is not the relative merits of these two bills, but whether congress is going to prescribe budget making for the President and continue its own present practices, designed to undo any advantage obtained through the proposed legislation.

3. FOR THE GOOD BILL

F. L. OLSON

Director, Bureau of Municipal Research, Minneapolis

The vital consideration in the National budget debate is the needs of the country for a sound basis on which to determine the raising of revenues and the expenditure of those revenues to accomplish a program of work rather than the particular method through which this budget system is to be accomplished. If the senate insists on making the matter a political football in order to insure no action, the house might better give in so far as the location of the budget bureau is concerned.

I still believe as firmly as before reading the McCormick bill and arguments upon it, that the budget bureau belongs in the President's office in charge of a person independent of any member of the President's cabinet. The only means by which the Secretary of the Treasury can be raised above the position of competitor with heads of other departments, is to clothe him with additional powers that would really make a new and very powerful position out of this cabinet office; a sort of minister of finance. The power should be so great as to make this position one of the most, if not the *most*, outstanding position in the official family of the President and in the influence of the administration.

However, the location of the budget bureau can be waived without stultifying oneself on the whole budget question, providing it can bring together those who are more concerned with political party prestige in having put over the budget, than they are in the soundness of any particular theory of handling the budget problem. Hence, my position is this: I favor at present the Good bill, particularly because of its location of the budget bureau in the President's office. I am in hearty sympathy with the McCormick bill in its attempt to make the Secretary of the Treasury something greater than he is now (at least so I understand is the intention of that bill), but the primary thing to accomplish is a budget system with the intention of guaranteeing a financial program and holding someone responsible, not only for the program in its method of determination, but in the results accomplished under it. Therefore, if the two groups can waive disputed points and arrive at an agreement so that the country may assure itself of a budget system, I feel certain the public will support whatever decision they may arrive at with regard to the location of the Budget Bureau.

4. FOR THE GOOD BILL

R. E. Miles

Director, Ohio Institute for Public Efficiency

The real difference between the proposals of the McCormick and the Good bills, if thoroughly analyzed, goes deeper than mere administrative convenience. Two fundamental functions are involved: (1) the recommendation of governmental policy as far as reflected in budgetary proposals to be submitted for legislative action; (2) administrative supervision over the exercise of all functions of the executive branch of the government, under conditions approved by legislative action.

Discussion has been directed more to the former than to the latter. It has perhaps not been sufficiently emphasized (1) that both are essential to a budget system; (2) that the two functions are so closely related that they can best be exercised through the same medium or staff; and (3) that they are peculiarly the prerogatives of the chief executive as the head of the whole executive branch.

The President can, in my opinion, most successfully perform these functions, and can on the other hand be most successfully held responsible for their proper performance, if he is provided with an agency independent of all the great operating departments, completely under his control, and under a head who in effect should be a second or third vice-president in charge of administrative investigation. It may well be maintained that the treasury department should be as much subject to independent question and review as the other principal departments.

Such a plan of course assumes a corresponding organization in the legislative branch which would prevent the latter from being placed at a disadvantage in its dealings with executive proposals, and which would enable the legislative branch to exercise its functions of scrutiny and criticism with intelligence and effectiveness.

5. FOR THE GOOD BILL

Gardiner Lattimer

Director, Public Research Bureau, Toledo

The trustees of the Commerce club went on record as favoring the Good bill and as strongly opposing the provisions of the McCormick bill. It was felt that one of the essential features of a satisfactory National budget was the centralizing of responsibility for it in the hands of the only person really responsible, viz., the President.

To make the Secretary of the Treasury responsible for the budgets of co-ordinate departments seems to us obviously unsound.

The U. S. Chamber of Commerce made a careful study of this question and reported as favorable to the Good bill though hoping that even this might be improved upon in some particulars.

Our trustees approved the report of the U. S. Chamber of Commerce upon recommendation of the public research bureau.

6. FOR THE GOOD BILL

Harold L. Henderson

Director, Citizens' Bureau of Municipal Efficiency, Milwaukee

My preference is for the Good bill rather than for the McCormick bill. I realize that neither bill gives us all that one would wish in developing a real budget system, but these things are a matter of evolution and we can only hope for the best. At least a start is being made. I realize that it may be difficult to arouse public opinion a year or two hence in order to correct some of the very apparent defects in the present Good bill.

In answer to the particular question relative to the budget bureau directly under the President, I am emphatically in favor of it. There may be some duplication of records as suggested by Mr. Lill in the National Municipal Review, but a President would be absolutely helpless in preparing a budget if he did not have a staff directly responsible to him who would be primarily interested in informing him as to the departmental requests, plans for revenue, etc.

It might be stated that the controller general would give the President this information. However, the controller general would be giving like information to congress and would not be primarily interested in the problem from the President's standpoint. The staff of the Budget Bureau would aid in checking up not only the departmental requests as well as the statement of controller general, and thus result in a much clearer statement of all the facts.

If the Treasury Department should prepare the budget as suggested in the McCormick bill, the President would be absolutely helpless in arriving at any independent conclusions as to the various requests of the departments. He would necessarily have to accept the Treasurer's recommendations and no doubt the President would neglect his duty in reviewing these various requests. The budget could then hardly be called an executive budget or one by which the President would care to stand or fall before the public opinion of the country.

7. FOR THE McCORMICK BILL

Robert E. Tracy

Director, Bureau of Governmental Research, Indianapolis

In my opinion neither the Good bill nor the McCormick bill is exactly what the country needs, but as between the two, the McCormick bill is by far the more satisfactory. The Good bill, as I see it, is merely a sublimated sample of the book of estimates, and frankly admits that we should have a real budget some time, but not now. It loads on to an already overworked chief executive another activity which might better be borne by a subordinate, and the McCormick bill by placing the budget bureau under the Secretary of the Treasury, does a wise thing. The McCormick bill describes the method for organizing this bureau, while the Good bill does not. Under the McCormick bill no estimate can go into the budget without the sanction of the Treasury, and ways and means are provided for ironing out the estimates well in advance of their submission to congress. In my opinion, the senate bill will tend to make the Secretary of the Treasury what he was in the days of Alexander Hamilton, a real minister of finance.

I cannot agree with what Dr. Willoughby said at Cleveland, when he stated that the McCormick bill would make the President "responsible for the budget only in a nebulous, indirect way." The Secretary of the Treasury is appointed by the President and is directly responsible to him. I cannot see here any indirection. In fact, the Secretary of the Treasury is the logical man for this work.

I agree with Congressman Frear, who says that the Good bill "bears on more resemblance to a real budget than an umbrella bears to a flying machine."

8. FOR THE McCORMICK BILL

James W. Routh

Director, Bureau of Municipal Research, Rochester

Personally, I favor the McCormick rather than the Good bill. It seems to me that the Secretary of the Treasury is the logical officer to assume responsibility, under the direction of the President, for the preparation of the budget. To infer that the President would not be responsible for the budget if the Secretary of the Treasury were burdened with its preparation seems altogether illogical. Certainly the secretary is the President's appointee as surely as would be the head of a budget bureau. He also is as readily removable at the President's pleasure. We have a recent example to prove this, and the importance attached by our present chief executive to loyalty and unanimity of purpose on the part of the members of his official family.

If the work of budget making were placed in a separate budget bureau, there would result a duplication of records and machinery in that bureau and the Treasury Department, with no apparent benefit. There would be created a new position which, to all intents and purposes, would be that of private financial secretary to the President. The framers of the Constitution contemplated that the Secretary of the Treasury would be the nation's financial minister and the President's personal and official adviser on all matters having to do with finance. It seems better to revert, therefore, to the original conception of that officer's duties than to set up a new position to divide responsibility with him and further to confuse his real function. Budget making, control of expenditures, and financial policies, are so closely interwoven that it seems almost ridiculous to attempt a separation of them. Our country's financial problems are of sufficient importance to warrant the attention of a properly qualified cabinet minister.

The budget itself is a most important document. It seems obvious that the government's financial secretary should be closely identified with its preparation. The executive departments of the government are all intimately concerned in the budget, and the budget should be based upon the work programs of those departments. This means that the heads of the several departments, the members of the President's cabinet, must be taken into consultation when the budget is prepared. The President himself cannot and should not be expected to have intimate acquaintance with the details of departmental programs and expenditures. As a matter of course, the larger problems of policy must be referred to the President, but even then, if he is a competent executive, he will desire the advice of the members of his cabinet who may have more intimate acquaintance with facts and details than he himself. It would appear that the President might find it much more agreeable and satisfactory to rely upon the judgment of a cabinet minister than upon that of a subordinate clerk or private secretary in a matter so important as the national budget.

Another thought of less importance is this. It is hard to picture the members of the President's cabinet discussing their plans and the needs of their departments with the head of a budget bureau attached to the President's office. The Secretary of the Treasury could meet the other cabinet members as a colleague and discuss these matters with them on a plane of equality. This perhaps may appear unimportant, but I feel sure there would exist a continual source of irritation if budget matters were left in the hands of a clerk or secretary of lesser caliber than a cabinet officer.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

The Labor Situation in Great Britain and France. Report of the Commissioner on Foreign Inquiry of the National Civic Federation. New York: E. P. Dutton & Company, 1919. Pp. 443.

The volume begins with a brief foreword by the chairman of the commission, Charles Mayer, and a short statement as to the personnel and methods of the commission by its secretary, E. A. Quarles. The commission was in England from February to June, 1919, except for three weeks spent in France.

Part 1 (pp. 19–98), the labor problem in Great Britain from the public viewpoint, was written by a member of the New York bar, Mr. Andrew Parker Nevin, for many years general counsel for the National Association of Manufacturers. Mr. Nevin believes that the Sankey report on the coal situation was generally acceptable to the English people. In that report the present system of coal mining and the conditions surrounding the workers were sharply criticised and a demand made for nationalization of the mines or some other method of control. Mr. Nevin thinks that the "radical group in England is relatively much stronger than in the United States," that it has greater intellectual vigor and represents "an economically intellectualized protest." He considers the Whitley plan an "important and helpful factor in the re-establishment of British industrial production." As Mr. Nevin views the English situation, labor is demanding a new status. Employers are sympathetic but find many of labor's demands impossible. The situation is compelling the attention of the government but the outcome of the issues between labor and the government is uncertain. The author does not attempt to make any application to American conditions.

Part 2, varying forms of labor organization, methods and purposes in the United States, Great Britain and France, women in industry (pp. 99–316), were written by Mr. James W. Sullivan of the American Federation of Labor. The reviewer considers this section the best account of the labor situation in England written by a labor union man that he has seen. Mr. Sullivan clearly depicts the existing organization of labor in England, its various divisions, its political activity, accompanying this with brief mention of the leaders. He makes many interesting comments on American conditions, though he finds little in English methods applicable to the United States and is very critical of labor's political activity. He emphasizes the conflict within the labor group and points out the problems arising from the leadership of men not closely identified with the group. He devotes but little space to France, but gives an excellent summary of the situation, showing how entirely different the labor movement there is from that in America. The latter part of his report he devotes to women in industry, showing the development in England during war time and the problems remaining, such as the determination of a fair wage between men and women. The reviewer regrets that space limitations prevent an exposition of the many points brought out.

Mr. Albert Farwell Bemis, a Boston manufacturer, writes parts 3 and 4. In part 3 (pp. 317–364) he speaks of the social and industrial relations in Great Britain and America from the viewpoint of the employer. He begins by emphasizing the destruction of capital during the war and then notes the awakening in England to the use of applied science in industry and the resulting effort to revise educational programs. Collective bargaining he considers the accepted British policy. In France, he finds a "union's combination of individualism and communism." Six million landed proprietors out of a total population of 40,000,000, is striking, but the French labor movement is distinctly socialistic.

In part 4—housing and agricultural reconstruction in Great Britain and France (pp. 365–429), Mr. Bemis draws a vivid picture of the inadequate and unsatisfactory housing accommodations in England and tells of the private and public reform movements. Then he shows the very different condition in France resulting from the destruction of over 400,000 houses during the war and suggests that American credits may be the only solution. He pays little attention to the agricultural problems.

The National Civic Federation is to be congratulated on having published a volume of real merit and in having made accessible to students so much valuable information.

Carl Kelsey.[1]

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Teachers' Pension Systems in the United States. By Paul Studensky. New York: D. Appleton & Company. Pp. xx and 460.

This critical and descriptive study of an important problem is issued in the series of studies of administration prepared under the auspices of the institute for government research. Its author, the supervisor of staff of the New Jersey bureau of state research, has made a deep study of the whole subject of pension systems and has had extended experience in their development. He has prepared this volume with a view to giving the scientific knowledge essential to the establishment of a sound pension system for teachers. Treating the subject in the broad sense of the protection of employes and their dependents against the contingencies of old age, and tracing the evolution of pensions from the paternalistic to the democratic co-operative systems, Mr. Studensky has advanced fundamental facts and conclusions which apply to the pension problem in any branch of public service or private industry. He has, therefore, done a piece of work that will prove not only of interest to all teachers who are so vitally concerned in this problem, but of invaluable assistance to all persons seeking to reform existing pension systems or to establish new ones.

The importance of public pensions as a problem of efficient public administration, as Mr. Studensky reminds us, has for years been recognized, and many solutions have been attempted. Yet, he asserts, of nearly one hundred teachers' retirement systems now in operation in the United States, involving nearly half of all public school teachers, with assets approximately half a billion dollars, only a few can escape total collapse unless fundamentally altered. Not only must these systems be reorganized on an equitable and sound financial basis, but, in addition, states and localities still unprovided for must be put in the sound-pension-system class, before the problem is properly cleared up. Anything short of this disregards the standards of equity and humanity, and is bad from the standpoint of general social betterment. On the side of efficiency, next to an adjustment of teachers' salaries with relation to the decreased purchasing power of a dollar, a universal, sound pension system would perhaps do more than any other thing to attract more competent people, in greater numbers, to the teaching profession.

Mr. Studensky has divided his subject into two parts. In the first, treating pensions as a problem, he has reviewed the development of teachers' pension systems in the United States, and discussed the factors which go to make up the problem, following this with a discussion of the various kinds of benefits to be provided for —superannuation, disability, death, and withdrawal; methods of determining and apportioning the cost of benefits, and the questions of participation and management. In the second part, which analyzes typical teachers' pension systems of to-day, he has arranged his analysis comparatively, considering systems without reserves, those with inadequate reserves, and those of a better order that have been adopted.

An appendix contains statistical data, copies of laws providing sound pension systems, actuarial tables, a bibliography, and an index. These add considerably to the utility of Mr. Studensky's very commendable work.

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Motion Pictures as a Phase of Commercialized Amusement in Toledo, Ohio. By Rev. J. J. Phelan, Ph.D. Toledo: Little Book Press. Pp. 292.

Dr. Phelan, in pursuance of his studies in the commercialized amusements of Toledo, has followed up his book on pool, billiards and bowling, with the present one on motion pictures. As in the previous volume, he has not attempted to attack or defend the subject of his investigation, or to impose any formulated set of conclusions on his readers; rather he has aimed to gather and arrange all available social data and usually to allow his readers to make their own interpretation. The book presents the results of two years' personal investigation, the data being revised from time to time as the information warranted.

The physical features of Toledo's moving picture industry are shown in section one. These include the number and location of picture theatres; their proximity to dance halls, rooming houses, and saloons; ownership; sanitary and fire conditions; the value of buildings and equipment; the cost of lighting, heating, and taxes; and statistics of attendance. Where physical conditions are good, the author says so; where they are bad, he tells dispassionately why and to what extent. Where it is pertinent, Dr. Phelan uses supplementary sources of information, as in the instance of the statement of the juvenile court of Toledo that of the 400 children each month who come before the court for investigation, at least 50 per cent receive suggestions for evil at the "movies."

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[1] University of Pennsylvania.

In section two, on mental effects and educational significance, the author presents data from school surveys not only in Toledo, but in Providence, Cleveland, Portland (Oregon), and San Francisco, to show the almost universal extent to which school children habitually frequent moving picture theatres, and the character of pictures that most interest and impress them. There is also in this section a division given to an analysis of the work of the Ohio board of censorship, the national board of censorship, and voluntary efforts at local censorship, together with a descriptive list of agencies interested in educational films.

A great deal of valuable data is contained in the third section of the book, devoted to the moral and physical effects of motion pictures. Following a presentation of the good and bad effects in general, with examples suggested by local observations, an outline of regulations for improving conditions is suggested, and the development of the regulatory system of Portland, Oregon, is described.

The fourth and fifth sections of the book contain respectively a description of non-commercialized amusements in Toledo, and a number of appendices. The value of these sections might have been increased by more thorough assimilation.

✤

A Primer of Civics. By J. J. Zmrhal. Chicago: Illinois Society of the Colonial Dames of America. Pp. 61.

This book is the outcome of the author's desire (himself an immigrant from Bohemia in his boyhood) to enlighten and instruct other pilgrims from the Old World in the ideals and inspirations of his adopted country. Written and first printed in the author's own tongue, the book was afterwards published in Polish and Lithuanian translations, and the present edition appears in English and Italian on opposite pages.

The book is a primer as its name indicates. The first half deals with the rights and duties of citizens, explaining the qualifications for and progressive steps of naturalization; the function of the vote; and the fabric of national, state, and city government, from the office of president to that of alderman, and from the functions of congress to those of the local health department. The second half of the book contains an outline of American history. The author has succeeded well in making the book inspirational as well as informing.

II. REVIEWS OF REPORTS

The Traction Crisis in New York, by Charles A. Beard, presents a sketch of the predicament in which the city of New York finds itself today concerning a vital service, without which a modern city is not able to carry on its normal activities and functions for even a day. It is not a pleasing picture to contemplate. It is, nevertheless, a picture that with slight modifications can be drawn for almost all large American cities.

The author apparently holds the belief that regulation of public service utilities by commissions has been to the advantage of the public; also that such principles, conditions and terms as have been embodied in the Chicago settlement ordinance of 1907 are to the city's interest and satisfactory to the public.

It is, however, the almost universal complaint that state regulating commissions have been unduly generous to the corporations and that the public has gained little or nothing except the obligation to foot the bills. The Chicago settlement ordinance of 1907 has resulted in some gain over the old intolerable conditions preceding that date. Had the city not thrown away the opportunity of pressing home municipal ownership at that time, it would not now have a surface line problem and be paying a six-cent fare for intolerable service. Under the terms of the contract, the city would now have to pay, to purchase second-hand property, about three times what it is actually worth. This same property has been bonded for more than double what it is worth; and the end is not yet. The city has been jobbed and cheated on the one hand and the honest bond investor on the other

One can hardly wish the results of the much advertised and widely heralded Chicago 1907 settlement to be the portion of any other city or any honest investor. An attorney once remarked to the writer that the English language was not susceptible of framing an ordinance or franchise that a utility company would not violate.

It might well have been pointed out that one of the fundamental factors leading up to the present financial difficulties is the fact that traction utility concerns have rarely paid their debts or provided adequate sinking or depreciation funds. The business has been in the main essentially speculative. Regardless of prosperity and good earnings, nearly everything above operating expense, maintenance and bond interest has gone into dividends and disappeared in the pockets of the speculators and exploiters.

A plea is made for the honest investors. And it is quite right that they should be considered and looked after to a degree, but it is the old story of the widows and orphans. To what extent should the general public concern itself with the losses of those who have been sold the "gold bricks?" The gold brick "artists" and those who corrupted and still corrupt our political, financial and social life and institutions, for private profit are the ones who should long since have received our attention. In clearing up the messes that have been left by our traction financiers, it can hardly be expected that the general public should make good the losses to those who have been exploited or robbed.

As the author shows, New York city has some very serious difficulties to overcome in arriving at a settlement of its traction problem—diverse interests of different companies, claimants, etc., lack of legal and financial ability of the city to properly handle the problem, dependence on the legislature, the governor and the public service commissioner, etc.

In treating of "Possible ways out of the crisis," the author considers: "The fare increase," "Other forms of financial relief," "Municipal ownership," and "A settlement promising permanent relief." The route by way of "fare increase" to present operators he considers impracticable, as well as ownership by the municipality.

The "settlement promising permanent relief" which he believes best adapted for results, embodies, briefly: (1) (a) a terminable franchise, (b) capitalization limited to bona fide expenditures to create the property, (c) the allowance of a reasonable return on investment, (d) division of profits above a reasonable return between the company and the city, and (e) provisions for terms of purchase by the municipality; (2) no increase in fares without modification of franchises or contracts in the city's interest; (3) treatment of the whole transit problem as a unified system; (4) unified operation for economy; (5) determination of capitalization, elimination of excessive claims and provision for honest betterments and extensions, with possible assessment of benefits to pay for extensions; (6) the assurance or guarantee of a fair return to the companies on honest capital and provision for dividing any surplus with the city; (7) preparation of the way to municipal ownership on definite terms and financing, when desired by the people.

These, as previously stated, are essentially the terms embodied in the Chicago traction settlement of 1907. That settlement is not satisfactory. It may be more difficult and take more time to fight to a finish now for municipal ownership than to put through some compromise. It is to be hoped that all citizens with the fighting spirit will get back of the city administration and demand a settlement in the city's interest for municipal ownership and operation. *Public service for private profit is not fundamentally sound in principle or practice and cannot go on indefinitely.*

The pamphlet is a valuable contribution on the problem.

Charles K. Mohler.

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The Public Defender.—The argument in favor of creating a public official to be known as the public defender, whose duty it would be to defend indigent persons accused of crime, is summed up by Mayer C. Goldman, of the New York bar, in the January issue of *The Arbitrator*. Mr. Goldman establishes the argument on two propositions: first, that it is as much the function of the state to shield the innocent as to punish the guilty; and, second, that the presumption of innocence requires the state to defend accused persons, as well as to prosecute. He claims that the age-long plea for justice, despite which man has apparently been forced to struggle for this right, will best be met by the establishment of actual equality before the law as only the functioning of a public defender can establish it.

Mr. Goldman assembles an imposing array of facts to show the present power of the district attorney's office, through the public reputation of this official, his staff of trained detectives and prosecutors, and his practically unlimited command of public funds to assemble all helpful evidence, pay witnesses' expenses and experts' fees and carry appeals to higher courts. Against the power and resources of the public prosecutor, who is substantially bound to be biased, many who are innocently accused of crime stand helpless. Mr. Goldman contends that the public defender should be as powerful as the prosecuting attorney, with means to employ detectives and investigators to aid in the establishment of the truth in such cases as he manages. This, Mr. Goldman contends, would preserve the rights of defendants, insure the proper presentation of their cases, eliminate unscrupulous and perjured defenses, place rich and poor prisoners for the first time on an equal footing before the law, more satisfactorily establish the truth to the public benefit, reduce the opportunity for disreputable attorneys to prey on unfortunate defendants, expediate criminal trials, and improve the tone of the criminal courts.

To the objections (a) that the accused is already too carefully safeguarded, (b) that the expense of the public prosecutor's office would be too great, and (c) that it would be anomalous for the state to defend as well as prosecute, Mr. Goldman makes detailed reply: (a) that the methods and tendencies among the minor judiciary are largely against the indigent defendant, that the numerous reversals by appelate tribunals of convictions based on the tactics or attitude of the district attorney or trial judge, expose the fallacy of the objection and that notwithstanding the so-called "safe-guards" even the champions of the present system have to concede the inequality of the contest between the state and the indigent defendant; (b) that experience in Los Angeles and elsewhere shows an actual saving of expense to the county, but that even otherwise the higher standard of justice would be worth the cost; and (c) that if in fact the ascertainment of the truth is all-important there can be nothing anomalous in any plan which tends to develop the truth.

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Report of the State Park Commission (Connecticut) for the Two Fiscal Years Ended September 30, 1918.—Few public documents have the vital importance of the one above inadequately described by its title. (Published at Hartford by the State of Connecticut as Public Document No. 60.) Its thirty-six pages of text, followed by a dozen pages of illustration, includes a terse and admirable statement of a great principle which should become a part of the functioning of every commonwealth in the United States with a minimum of delay.

State parks have not been "sold to the public," to use the significant commercial phrase. Perhaps the best possible way to suggest what they are is to quote from the report of the field secretary of the Connecticut State Park Commission, who states among the things that a state park should not be the following:

> It is not merely "waste land" for which the commission is reported to be hunting, at a high price.
>
> It is not a bed of rare plants with a fountain in the middle, surrounded by a concrete walk.
>
> It is not a beautiful arrangement of blue spruce and purple beech, with an elm tree upside down.
>
> It is not even a large open space devoted to the systematic dulling of lawn mowers.
>
> It cannot be made to order, like a golf links, or a wading pool, upon any convenient site.

Even more significant is a statement in the succinct report of the commissioners themselves, which reads: "In fact, a park is not a park until it is used and enjoyed by the people to whom it belongs. . . . Use involves abuse unless proper facilities and caretakers are provided."

Conception of the essentials of a state park system can be aided by further quotations:

> Ownership of land by the state, to secure for all its citizens privileges which would otherwise be restricted to a favored few, is the basic principle of the policy. Such areas should include mountain tops and woodland as well as river, lake and seashore frontage. They must conserve for the public as much as possible of the natural beauties of the state. . . . The expenditure by the state in the next decade of four or five million dollars for this purpose would establish for all time that which in the end the public will demand, and the cost of which, if deferred, will grow apace.

Thus establishing the breadth and importance of the state park principle, and deploring the inadequacy with which it has been supported in Connecticut, the commission not only reports its all too scanty doings (which, however, include the acquisition of 3,150 acres in eighteen towns), but adds an item of importance in proposing that to its membership of seven appointed commissioners there be added *ex officio* the highway commissioner and the commissioner of motor vehicles.

Just here is touched upon a matter of much importance. In the present moment of vast road expenditures and vaster good roads schemes, all too frequently the able engineer who designs a road considers it as merely a straight line between certain termini, and he ruthlessly disregards the natural features, the natural beauty, the history, and the communities along the line. Painful outrages have been committed and are being committed through lack of co-ordination between the whole body of aims which a well-organized state should hold. To have in a state park commission, therefore, the men responsible for the highways and for the conduct of the vehicles thereon is to bring about at least the beginning of a decent understanding of some of the problems which have heretofore been left to chance.

The Connecticut instance and the Connecticut report are alike commended to well-disposed men and women in other communities. It is not too late, if action is promptly taken, to save to Pennsylvania, to Delaware, to Ohio, to Wisconsin, to Arizona, and to every other state, some of the peculiar beauties which make each state pleasant in the eyes of its own people.

J. Horace McFarland.

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Methods of Financing Parks, Parkways, and Boulevards.—The St. Paul (Minnesota) association of public and business affairs, through a sub-committee of its city-planning sub-division, has issued a valuable report on methods for paying for the costs of acquiring and improving parks, parkways, and boulevards. The report is the fruit of a lengthy investigation of the questions involved, not only as they have arisen in St. Paul, but also as they have been solved in other cities. Taking into account the methods of other cities and the effect of these methods, and squaring them with the problems that have hindered park and parkway improvements in St. Paul, the committee has recommended the following modifications of the present law, and suggested that charter amendments where necessary should be advocated:

(1) Charter should be amended so as to provide for a non-political board of assessment and apportionment to determine benefits and damages in connection with all public improvements. Members of the board of assessment and apportionment to be appointed by the district judges of Ramsey county.

(2) The cost of paving any parkway or boulevard which may be assessed against abutting property should not exceed the cost of a strip of pavement 12 feet wide adjacent to the property thus assessed.

(3) A wheelage tax is recommended to aid in laying or maintaining pavement.

(4) The city council should be empowered by unanimous vote to authorize a bond issue not to exceed $200,000 per year to assist in defraying the cost of improving parks, parkways and boulevards.

(5) In view of the current high cost of materials and labor, it is recommended that only necessary improvements be made during the present period of unsettled conditions.

Several tables appended to the report show that in leading cities of the United States the cost of acquiring land for parks and of park improvement is as a general rule paid for by the city as a whole. Practice with regard to the cost of acquiring land for parkways and boulevards and of their improvement is more diverse, though in most cases the city as a whole pays most or all of the cost. Other tables show data relating to the wheelage tax in principal cities, and the basis of license, annual rate, and average amount of automobile license fees in the various states.

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Municipal Milk Distribution.—The city council of Winnipeg, Canada, recently authorized the publication of an interesting report on municipal milk supply for Winnipeg, which report recommends that "a by-law [be] submitted to the ratepayers authorizing the raising of a sum of $600,000 to establish a fully modern municipal plant for the manufacture, sale and distribution of milk and milk products." An amendment to the Winnipeg charter has been drawn up, but we have not yet learned the result of popular action thereon. The Winnipeg board of trade issued a statement claiming that the by-law "should be defeated on account of insufficient information being furnished in support of it."

A summary of various efforts to solve the milk distribution problem is contained in a pamphlet prepared by the librarian of the New York municipal reference library.

Fall River, Massachusetts, has made considerable progress without resort to municipal action. The chamber of commerce appointed two special committees—one to direct an educational campaign, and the other to reduce the price of milk. Through the efforts of the first committee the consumption of milk was increased from 20,000 to 30,000 quarts a day. As a result of the second committee's work the producers' milk is collected from a series of collection stations, a central dairy plant was established (eliminating the previous waste of 10,000 quarts a day), with district milk stations and a push-cart system for making house deliveries. The price of milk was thus reduced from 17 to 15 cents a quart—without cutting the price to the producer,—representing an annual saving to the consumer of approximately $500,000.

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How Shall Americanism Be Taught?—The mails are full of such pamphlets as "A program for citizenship," issued by the committee on special war activities of the National Catholic War Council; "Twenty lessons on government," prepared by Mrs. Stella C. Stimson for the W. C. T. U. of Indiana; "Americanization and citizenship," by Hanson Hart Webster; and "Americanization," a report of the committee on education of Governor Smith's reconstruction commission in New York.

The first of these is a product of the movement on the part of the Catholic church to promote better citizenship among its members and to give their character firmer rootage in sound and conservative ideas. It is reported that its organization has retained the services of an experienced teacher and organizer at a salary of $10,000 a year for the purpose of doing serious work in this field. The Church seems to have discovered the fact, still obscure to the public mind generally, that the laborer is worthy of his hire, and that work in the field of education is worth about the price we are willing to pay for it.

The second consists of lessons in the government of the state and nation prepared with great care and with the point of view of the social reformer. It may be better for these pamphlets to be prepared as a labor of love than not at all; but the teaching of government is the task of an expert. Would the W. C. T. U. commit the planning and building of a club house for the state-wide activities of its organization to a committee as inexperienced in architecture as this committee evidently was in pedagogical practice?

The pamphlet by Mr. Webster is one of the best that has yet appeared for the use of those who are teaching the recently arrived immigrant. In a paper bound booklet of 138 pages will be found all that the evening school teacher needs in dealing with these new citizens, if he is trained for his task. Some of these days we are going to learn that there is an art of teaching based on a science of pedagogy; that the teacher must have studied the science and had some supervised training in the art before he should be permitted to practice on his helpless victims; and that the welfare of society depends on our willingness to pay such trained teachers enough money to encourage young people to take up the occupation of teaching in sufficient numbers to supply what will then be the demand for them. Until we do reach this point much of our talk about training for citizenship in a republic is but sounding brass and tinkling cymbals.

The last of the list is a little leaflet and unimportant except as a peg on which to hang a reference to another part of Governor Smith's reconstruction program. It is vital to good citizenship for those who live in a community to understand something of the government under which they live. The government of our states is far more important in the life of the citizen than is the government of the United States. But no man of ordinary education and intelligence can understand the government of the state of New York; and the same is true of many other states. Governor Smith's reconstruction commission proposes to begin its work at the foundation, and to lay this carefully and deep; it proposes so to reorganize the government of the state that it will be visible, understandable, and teachable. If the commission succeeds in this task, and if the public wakes up to the fact that it is worth while to teach government to those who are becoming citizens, either as recent immigrants or as growing youth American born, then we may hope that Americanism will be taught and that Americanization will be a living process. Until then it will continue to be an expression of hysteria, afternoon tea gossip, post prandial oratory, and general sham.

Edgar Dawson.

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Year Book of the Citizens' Union (New York).—This interesting pamphlet covers a multitude of activities. During 1919 the committee on legislation passed upon 739 different bills directly or indirectly affecting New York city and its government, as compared with 381 bills in 1918. Of these 166 were approved and 206 disapproved. Of 59 bills approved which passed the legislature, 45 became law. Of 74 bills opposed which passed, 28 became law.

The Albany bureau of the union was literally a "peoples' lobby," furnishing members of the union with legislative information, issuing bulletins for the information of legislators, and supplying daily printed summaries of bills to newspapers.

The city government committee showed increased usefulness and effectiveness, following carefully the work of the aldermen, board of estimate, and sinking fund commissioners. The committee's analysis of the city budget constituted perhaps the fullest independent criticism of this extraordinary financial measure. Various questionable actions of the police department were checked up and publicly reported. A taxpayer's suit, involving a $4,500,000 bond issue, instituted by the committee and carried successfully through the courts, prevented the artificial reduction of the current tax rate at the expense of future interest and sinking fund charges.

Special committees, including one to review the report of the governor's reconstruction commission, performed valuable service.

The political activities of the union during the year included, in addition to its regular work of scrutinizing the qualifications of all municipal candidates, a decided stand on two important political issues—one, the machine domination of judicial nominations; the other, the choice of candidates for vacancies in the presidency of the board of aldermen and the presidency of the borough of Manhattan. To a greater degree than ever before the voters followed the recommendations of the union. Only two candidates for higher court positions not accorded the endorsement of the union were elected. Other results are shown in the following table:

Office	*Endorsed*	*Elected*
Municipal Court	18	15
Assembly, New York county	20	14
Assembly, Kings county	15	12
Assembly, Queens county	6	5
Assembly, Manhattan	16	11
Aldermen, Kings	13	12

An organized and trained corps of volunteer watchers on election night rendered service of great value in seeing that a careful watch was kept on the canvass of the vote where there was reason to suspect attempts at a manipulation of the count.

The Year book also contains a program for the union in 1920 and an explanation of the scope of its work.

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Reorganization and Retrenchment in New York City Government is a report of the budget committee of the Brooklyn chamber of commerce made in December, 1919. This committee was assigned to study the preparation of the city budget. After following as much of the procedure as did not take place behind closed doors, the committee says: "The taxpayers of New York city have been presented with a bill of expenditures for the year 1920 amounting to more than $273,000,000, the largest in the history of the city, prepared in executive sessions by the finance committee of the board of estimate and apportionment, opened for public suggestions and criticisms so brief a time as to make comprehensive suggestions and criticisms impractical, reduced by the board in an amount approximating $43,000,000, and finally submitted to the board of aldermen, which approved it without change." The report emphasizes the superlative importance of correct budget making, and declares: "The task should be performed in the open. There should be no executive sessions. The public should be given ample opportunity to be heard if it so desires. The taxpayers should be able, at all stages of the process, to fix responsibility for the various items included, and the document when completed should present a clear and intelligent picture of the administration's program of activities for the year." Unless such a budget procedure can be developed the committee is of the opinion that the Brooklyn chamber of commerce and all similar organizations may as well be discontinued.

The committee does not stop with merely recommending the adoption of improved budget methods, since it does not believe the city's financial problems, resulting in a rapidly increasing expenditure, are so easily solved. It urges "a study of the city charter and local laws and ordinances for the purpose of determining the extent of waste due to overlapping and duplication of offices and functions, and to recommend such changes as will assist in keeping expenditures at the lowest point consistent with the proper discharge of public functions and the reasonable extension in municipal activities." For this purpose it is recommended that a commission of eighteen men be appointed, six by the governor and three each by the president of the senate, the speaker of the house, the mayor, and the president of the board of aldermen. The appointment of such a commission requires legislation from Albany which is not very likely to be enacted by the 1920 legislature.

A. E. Buck.[1]

* * *

A State Budget System for Ohio is the title of an interesting and well-written pamphlet published by the Ohio institute for public efficiency and submitted to the committees on administrative reorganization and taxation of the Ohio general assembly. It states the essentials of an effective budget system, and in the light of these points out the shortcomings of the present Ohio budget law and budgetary procedure. It recommends the adoption of a constitutional amendment embodying the essentials of budgetary procedure; the supplementing of this amendment by statutes providing for detailed methods; a modification of the legislative rules; and the adoption of certain business methods by the administration. The budgetary procedure outlined is in keeping with the best practices of other states. A possible objection, however, may be found to writing into the constitutional amendment so much detail as is here proposed.

Under the proposed plan the governor is to become the budget-making authority of the state. He is to assume full responsibility for preparing and initiating the budget in the legislature and for carrying out the financial program when it has been approved by the legislature. The writer of this pamphlet is aware, however, that this change cannot be accomplished alone by the passage of a constitutional amendment or a statute providing for the establishment of budget methods. He says "the adoption of a complete budget system is not a single step which can be consummated over night, simply by deciding to do so," but "it consists of many parts which reach out in numerous ways into the organization and operation of the government." In other words, the establishment of an effective budget system is dependent to a very large extent upon the existence of a centralized and responsible administrative organization. Such an organization Ohio does not have. However, a step in the direction of bringing about administrative reorganization has already been undertaken. The 1919 legislature provided for a joint committee to conduct investigations with reference to the reorganization of the state administration. This committee has been organized; a staff of investigators has been employed, and the work of making the investigations is now under way.

A. E. Buck.[1]

* * *

Woman's Relation to the City.—The municipal reference bureau of the university extension division, University of Kansas, has issued a monogram emphasizing some fundamental truths regarding woman's part in the management of the city's business. These truths are of themselves old; but public enlightenment requires that they be repeatedly dinned into the ears of those who are not quick to listen, or sensitive to new concepts. The potential value of the present effort lies (1) in its practical suggestions—doubtless still new to many people—for the activity of women in such municipal affairs as schools; pure milk, food, and water; inspection of weights and measures; sanitation; housing; and all things affecting the health and safety of citizens; and (2) in a classified bibliography. How far this potentiality may be realized depends on the manner in which the monogram is used.

* * *

Kansas University Municipal Reference Bureau Reports Extension Work.—The report of the municipal reference bureau conducted by the university extension division of the University of Kansas, for the year ending June 30, 1919, shows 597 inquiries and requests answered during the year, 467 from within the state and 130 from without the state. These inquiries and requests were received from city and state officials, college and university instructors, superintendents of schools, teachers, editors, women's clubs, librarians, and similar officials, as well as from private sources, and covered the entire field of municipal activities, besides subjects of agriculture, business law, and others outside the municipal domain.

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[1] New York bureau of municipal research.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Zone Fare System Urged by Peter Witt.—Peter Witt, car builder and former street car commissioner for Cleveland, in a recent newspaper interview, emphasizes zone fares as one remedy for the street railway problem. On this point Mr. Witt said:

> The most important utility is the utility of transportation. The difficulties under which it is struggling were bound to come, war or no war, for the basis upon which they sold transportation, that is a unit fare, always was and always will be wrong. No matter what the unit rate is, you can never get enough from the long distance travelers and at the same time you kill the short haul traffic.
>
> The principal difficulty which confronts the operators of street railways is the inflation of our currency, which has cut the dollar in half, so far as its purchasing power is concerned. This merely brought the day of reckoning a little closer. Behind it all was the initial error of a wrong system of computing rates of fare. You can't run any business, as the public largely insists it should be run, on a post-war outgo and a pre-war income. It is not inflated street securities that brought on the crash, but rather an inflated currency.
>
> The remedy for the troubles in the street car world must come in relieving, not the railway companies, but the car riders, from excess taxes, paving taxes, license taxes, and other schemes that have been adopted in part on the theory that the industry was paying the freight, when in reality the car rider carried the burden.
>
> On top of what is proposed, the service in the future must be sold to the user on the amount of service rendered. In other words, the unit rate of fare must go—the zone system must come. A street car company's competitors are the pedestrians on the sidewalk. They must be converted from walkers to riders, but the conversion can only be made when the price for a very short ride is made exceedingly low. When this is done and cars are made to carry loads instead of moving empty seats, and the long-distance traveler compelled to pay a price somewhere nearer the cost of service rendered, then, and then only will this important industry be saved.

◆

Revenues to Replace the Loss from Liquor Licenses.—Many cities have found the loss of revenues formerly obtained from liquor licenses a serious problem. Among the attempts made to recoup these losses, the new license ordinance of Los Angeles is an interesting case. This ordinance places a license tax on practically everything in the city in the nature of a business. Real estate title insurance and abstracts, bill posting, the distribution of hand-bills and advertising samples, electric signs, stereopticon and moving picture advertisements, aerial transportation, amusement parks and arcades, auctioneering, automobile stations and garages, ticket agencies, watchmen, barber shops, baseball exhibitions, bath houses, pool rooms and bowling alleys, pet stores, vending machines, blue-prints, freight and passenger boats, tugboats, indemnity bonds, boxing and wrestling exhibitions, restaurants, wholesale and retail business, theatres and concert halls, business schools and colleges, undertakers, and professional occupations of all kinds except that of clergymen, are examples of the exhaustive enumeration in the ordinance, which contains 158 sections. Each occupation has its own license tax, according to its kind and size, the minimum appearing to be one dollar per annum and the maximum $1,875 per quarter. The tax is expected to produce about $1,250,000 annually, to replace a loss from liquor licenses amounting to over $800,000. It is claimed that the city was forced to resort to this measure since it may not, under its charter, impose a tax rate greater than one per cent of the assessed valuation of property except for sinking fund and interest charges.

◆

State-Purchasing Standardization.—Governor Ritchie of Maryland has sponsored the introduction into the legislature of a bill creating a central purchasing agency.

Governor Davis of Virginia has provided, in his budget submitted to the legislature on January 19, for an appropriation of $7,500 to maintain a state purchasing office. He recommends that a purchasing commission consisting of the governor as chairman, the state treasurer, and the auditor of public accounts, be created, and that the commissioner of state hospitals be made secretary of this board and ex-officio the state purchasing agent.

Governor Cooper of South Carolina, in his annual message to the legislature on January 13, recommended the creation of the office of purchasing agent. He was led to make this recommendation by the study of the state's finances required in making up the first state budget.

Governor Russell of Mississippi, in his inaugural message to the legislature on January 20, recommended the establishment of a state purchasing department under the control of a purchasing agent. He says "the state spends millions of dollars in a short space of time, and if we could secure the services of an expert in this line it would unquestionably save the state thousands of dollars each year."

⁂

Lakewood (Ohio) Mayor Institutes Business Methods.—Last fall the women of Lakewood, Ohio, being dissatisfied with the three mayoralty candidates then in the field, asked Louis E. Hill, a retired business man with no political experience, to enter the campaign as their representative. He consented and was elected. Bringing to the office his business experience and methods, he has instituted a system of daily reports from department heads, and weekly conferences with them, for the purpose of promoting public business. All correspondence between departments passes over his desk; this he reads, and makes marginal comments and suggestions.

Not satisfied with the residence which was used as a city hall, Mayor Hill moved the municipal headquarters to a larger empty building in the city park. A sign—"City Hall—Are You Proud of It?"—placed on the old building, has roused the citizens to the need for more adequate quarters, and has won general approval of the mayor's plan for a new city hall, with store fronts and offices on the main thoroughfare, quarters for the administrative departments, and rooms and a hall for the chamber of commerce.

⁂

Municipal Ownership of Akron Lighting System Urged.—The acquisition and maintenance of the street lighting system of Akron by the city has been suggested by E. A. Kemmler, superintendent of highways, in his annual report for 1919.

The advantages which will accrue as a result of the city's purchasing the lighting system, as pointed out by Mr. Kemmler, are that the city would purchase metered power only and thereby save the payment for lamps not in service; the cost of maintenance might not be reduced, but the character of service should be improved; changes for the betterment of the service by substituting more modern or economic lamps, or by rearranging the distribution system from time to time could be made without present delays; the city will eventually have a municipally owned power plant, and by acquiring the system in the near future, before the five-year contract expires, the change from private to public ownership will be more readily made.

II. MISCELLANEOUS

Rural Community Planning Conference.—What is claimed to be the first conference of the kind ever held in Ohio, and the first of its type anywhere under red cross auspices, was a rural community planning conference held recently by the Clark county (Ohio) chapter of the American red cross, attended by over 300 delegates from community clubs throughout the county. The purpose of the conference was the interchange of experience and suggestion among the system of rural community clubs which Clark county has developed on a broad scale under red cross inspiration, and which might well serve as the pivotal point of a national movement. The speakers included rural community workers from other counties and states.

⁂

Dayton Bureau of Research Revived.—Many will be interested to know that this bureau, formerly directed by C. E. Rightor, has been re-established and is now under the directorship of C. B. Greene, who was a member of Mr. Rightor's staff. It is expected that the work of the bureau will be confined chiefly to publicity and informational service, rather than include any considerable constructive research work in the city departments.

CITY MANAGER MOVEMENT

CITY MANAGER MUNICIPALITIES

There is presented herewith a complete list of all towns and cities reported to the City Managers' Association as operating under, or pledged to, some variety of city-manager government. The total number on March 25, 1920, is one hundred seventy-seven, with four additional towns across the Canadian border. Of the 177, 113 have adopted approved charters, or charter amendments, indicated by "C" under the column headed "Plan"; 9 have modified-manager plans by charter, marked "C-"; while 55 have created the position of manager by ordinance of the local governing body only, indicated by "o." The column marked "No." indicates the number of men who have successively held the position of manager. That, headed "Cities," following the manager's name, indicates the number of cities each man has served as manager. To date there have been 30 "promotions" of managers from one city to a larger.

The population figures are estimates. Added information and corrections to the data submitted will be welcomed by the City Managers' Association, Harrison G. Otis, Secretary, 1812 Tribune Building, New York.

				IN		MANAGER			
STATE	CITY	POPULATION	PLAN	EFFECT	NO.	NAME	CITIES	APPOINTED	SALARY
Ariz.—	Phoenix	40,000	C	Apr., '14	3	V. Avery Thompson	1	Jan., '18	$5,000
Ark.—	Bentonville	3,000	o	Sept., '15	1	Edgar Masoner	1	Sept., '15	1,500
	Hot Springs	17,500	C	Apr., '17	2	Geo. R. Belding	1	Sept., '18	2,100
	Monticello	3,500	o	Jan., '18	2	A. M. Bell	1	Jan., '20	
Calif.—	Alameda	32,000	C	May, '17	1	Chas. E. Hewes	2	May, '17	5,000
	Alhambra	10,000	C-	July, '15	3	Grant M. Lorraine	1	Sept., '19	2,700
	Anaheim	3,500	o	Aug., '19	1	O. E. Steward	1	Aug., '19	
	Bakersfield	17,000	C	Apr., '15	2	F. S. Benson	1	May, '17	4,000
	Coronado	2,500	o	Jan., '20	1	G. F. Hyatt	1	Jan., '20	2,100
	Glendale	11,500	o	May, '14	1	T. W. Watson	1	May, '14	2,400
	Paso Robles	2,000	o	Apr., '18	2	William Ryan	1	Apr., '19	2,000
	Pittsburg	7,000	o	Sept., '19	2	Randall M. Dorton	1	Nov., '19	3,000
	Redding	5,000	o	Oct., '18	1	E. A. Rolison	1	Oct., '18	2,400
	Salinas	4,000	C	'20					
	San Anselmo	2,500	o	Nov., '17	1	C. A. Macomber	1	Nov., '17	1,800
	San Diego	95,000	o	May, '15	2	Wilbur H. Judy	1	May, '19	4,000
	San Jose	40,000	C	July, '16	2	W. C. Bailey	1	July, '18	6,000
	Santa Barbara	20,000	C	Jan., '18	2	Robt. R. MacGregor	1	Jan., '20	4,000
	South Pasadena	5,600	o	Mar., '20	1	R. V. Orbison	1	Mar., '20	
Colo.—	Boulder	14,000	C	Jan., '18	2	W. D. Salter	1	June, '19	4,000
	Durango	5,300	C	Mar., '15	2	W. H. Wigglesworth	1	Apr., '19	1,800
	Montrose	4,000	C	Feb., '14	4	R. P. Hilleary	1	Aug., '19	3,000
Conn.—	West Hartford	5,620	o	July, '19	1	B. I. Miller	1	July, '19	4,000
Fla.—	Largo	500	o	June, '13	3	W. H. Turner	1	Mar., '18	1,200
	Ocala	6,000	C	Feb., '18	3	R. M. Martin	1	Oct., '18	2,400
	St. Augustine	8,000	C	July, '15	2	Eugene Masters	1	Apr., '18	3,600
	Sanford	7,000	C	Dec., '19	1	Gerard A. Abbott	4	Dec., '19	3,600
	Tallahassee	6,500	C	Feb., '20	1	J. W. Greer	2	Feb., '20	4,200
	West Palm Beach	10,000	C	Nov., '19	1	Joseph Firth	1	Nov., '19	5,000
Ga.—	Cartersville	6,000	C-	Aug., '17	1	Abram Cook	1	Jan., '18	2,400
	Griffin	10,300	C	Dec., '18	1	E. P. Bridges	1	Dec., '18	2,550
	Rome	1,4000	C	Apr., '19	1	Sam S. King	1	Apr., '19	3,000
Ill.—	Glencoe	4,000	o	Jan., '14	1	H. H. Sherer	1	Jan., '14	5,000
	Wilmette	5,500	o	Oct., '18	2	Chas. C. Schultz	1	Dec., '18	2,100
	Winnetka	6,800	o	Jan., '15	2	H. L. Woolhiser	1	May, '17	3,600
Iowa—	Anamosa	3,000	o	May, '19	1	W. F. Hathaway	1	May, '19	1,800
	Clarinda	5,000	o	Apr., '13	2	Henry Traxler	1	May, '19	2,700
	Dubuque	47,500	C	Apr., '20					
	Estherville	4,200	o	May, '19	1	F. G. Connelly	1	May, '19	
	Iowa Falls	4,000	o	May, '14	2	J. O. Gregg	1	May, '17	1,800
	Manchester	3,300	o	May, '16	2	Thomas Wilson	1	May, '17	1,440
	Mt. Pleasant	4,170	o	Apr., '16	1	T. W. McMillan	1	Apr., '16	1,800
	Villisca	2,200	o	May, '19	1	W. J. Oviatt	1	May, '19	1,200
	Webster City	6,000	C	Oct., '16	2	G. J. Long	1	Apr., '17	1,800

					MANAGER				
STATE	CITY	POPULATION	PLAN	IN EFFECT	NO.	NAME	CITIES	APPOINTED	SALARY
Kans.	El Dorado	18,000	C	July, '17	1	Bert C. Wells, Jr.	1	July, '17	$3,600
	Hays	3,300	C	May, '19	1	Jas. C. Manning	1	May, '19	3,000
	McCracken	1,000	C	May, '19	1	Leonard L. Ryan	1	May, '19	1,800
	Wichita	75,000	C	Apr., '17	2	L. W. Clapp	1	Oct., '19	6,000
Ky.	Cynthiana	5,000	C-	Dec., '15	2	J. J. Curle	1	Dec., '18	
Me.	Auburn	17,000	C	Jan., '18	2	Edward A. Beck	3	Feb., '19	5,400
Mass.	Concord	7,000	o	Mar., '20					
	Norwood	14,000	C-	Jan., '15	2	Wm. P. Hammersley	1	Mar., '18	4,000
	Waltham	33,000	C	Jan., '18	2	Henry F. Beal	1	Feb., '20	5,000
Mich.	Albion	9,000	C	Jan., '16	3	W. E. Baumgardner	1	May, '18	2,000
	Alma	8,500	C	May, '19	1	W. E. Reynolds	1	May, '19	4,500
	Alpena	13,300	C	Apr., '16	2	Chas. T. Park	1	Apr., '18	1,920
	Big Rapids	5,100	C	Apr., '14	4	Dan H. Vincent	1	May, '17	1,200
	Birmingham	5,000	C	Apr., '18	2	Maurice Lowman	1	Mar., '19	2,750
	Cadillac	10,000	C	Mar., '14	3	George Johnston	1	Jan., '18	2,200
	Crystal Falls	7,000	C	Apr., '18	1	J. H. Sanders	1	Apr., '18	3,000
	Eaton Rapids	3,000	o	Oct., '13	3	O. S. Yager	1	Jan., '18	1,500
	Grand Haven	7,500	C	Apr., '15	2				
	Grand Rapids	165,000	C	Mar., '17	2	Fred H. Locke	1	May, '18	5,000
	Grosse Pte. Shrs.	1,200	C	June, '16	2	H. N. Kennedy	1	Apr., '18	4,200
	Jackson	52,000	C	Jan., '15	3	A. W. D. Hall	1	May, '17	4,000
	Kalamazoo	55,000	C	June, '18	1	Harry H. Freeman	1	June, '18	6,000
	Lapeer	4,500	C	May, '19	1				
	Manistee	12,000	C	May, '14	2	P. H. Beauvais	1	May, '18	4,000
	Muskegon	50,000	C	Jan., '20	1	I. R. Ellison	3	Jan., '20	
	Otsego	4,000	C	May, '18	2				
	Petoskey	6,000	C	Apr., '16	4	J. Frank Quinn	1	Jan., '20	5,000
	Portland	2,000	C	Jan., '19	1	F. L. Jenkins	1	Jan., '19	1,800
	Royal Oak	6,000	C	May, '18	2	Geo. E. Weitzel	1	Oct., '18	3,000
	St. Johns	4,000	C-	Aug., '18	2	Theo. H. Townsend	1	July, '19	3,000
	Sault Ste. Marie	14,000	C	Dec., '17	2	Wilder M. Rich	1	Aug., '18	3,000
	Three Rivers	5,750	C	Apr., '18	1	O. O. Johnson	1	Apr., '18	1,800
Minn.	Anoka	4,300	C-	Apr., '14	1	Henry Lee	1	Apr., '14	1,200
	Morris	3,500	C-	Jan., '14	2	Frank J. Haight	1	Oct., '18	1,800
	Pipestone	3,500	o	May, '17	1	F. E. Cogswell	1	May, '17	1,800
Mont.	Columbus	1,000	o	Nov., '18	3	Harry P. Schug	1	Jan., '20	1,800
	Glasgow	3,500	o	July, '16	2	Harvey Booth	1	Mar., '18	2,100
	Scobey	1,000	o	Jan., '20	1	Roy N. Stewart	1	Jan., '20	
Nebr.	Alliance	7,000	o	Aug., '19	1	Cassius C. Smith	2	Aug., '19	3,000
N. Mex.	Albuquerque	20,000	C	Jan., '18	3	James N. Gladding	1	Feb., '20	5,000
	Clovis	5,000	o	June, '19	1	Oscar Dobbs	1	June, '19	2,700
	Roswell	9,000	o	May, '14	2	A. G. Jaffa	1	July, '16	2,400
N. Y.	Auburn	40,000	C	Jan., '20	1	John P. Jaeckel	1	Jan., '20	4,000
	Newburgh	30,000	C	Jan., '16	4	W. Johnston McKay	1	Sept., '20	3,600
	Niagara Falls	55,000	C	Jan., '16	2	Edwin J. Fort	1	Sept., '18	5,000
	Sherrill	1,500	C	June, '16	3	Amos G. Reeve	1	Feb., '20	
	Watertown	40,000	C	Jan., '20	1	C. A. Bingham	3	Jan., '20	7,500
	Watervliet	16,000	C	Jan., '20	1	Jas. B. McLeese	1	Jan., '20	4,500
N. C.	Elizabeth City	15,000	C	Apr., '15	3				
	Gastonia	20,000	C	Aug., '19	1	W. J. Alexander	1	Aug., '19	3,600
	Goldsboro	11,000	C	July, '17	2	I. M. Cashell	1	Oct., '18	3,300
	Hickory	5,200	C	May, '13	3	J. W. Ballew	1	May, '16	1,500
	High Point	14,000	C	May, '15	3	R. L. Pickett	1	Mar., '16	2,700
	Morehead City	3,500	o	June, '16	2	John S. Bennett	1	June, '19	1,800
	Morganton	4,250	C	May, '13	3	W. R. Patten	1	May, '18	1,800
	Tarboro	5,100	o	Apr., '15	1	J. H. Jacocks	1	Apr., '15	1,500
	Thomasville	5,000	C	May, '15	6	Jas. T. Stewart, Jr.	1	Sept., '19	2,500
Ohio	Akron	200,000	C	Jan., '20	1	W. J. Laub	1	Jan., '20	10,000
	Ashtabula	21,500	C	Jan., '16	2	M. H. Turner	1	Jan., '18	3,000
	Dayton	170,000	C	Jan., '14	2	James E. Barlow	1	Mar., '18	7,500
	East Cleveland	25,000	C	Jan., '18	1	C. M. Osborn	1	Jan., '18	6,000
	Gallipolis	6,500	C	Jan., '18	1	Edward E. Myers	1	Jan., '18	1,500
	Painesville	6,750	C	Nov., '19	1	Thomas B. Wyman	1	Jan., '20	4,000
	Sandusky	25,000	C	Jan., '16	2	Geo. M. Zimmerman	1	Apr., '18	5,000
	So. Charleston	1,500	C	Jan., '18	1	P. H. Cheney	1	Jan., '18	1,600
	Springfield	70,000	C	Jan., '14	2	Ossian E. Carr	3	Sept., '18	6,000
	Westerville	3,500	C	Jan., '16	2	Ralph W. Orebaugh	1	Sept., '17	2,100
	Xenia	10,000	C	Jan., '18	1	Kenyon Riddle	2	Jan., '18	3,600
Okla.	Coalgate	4,000	C	July, '14	3	Leslie E. Bay	1	Aug., '19	1,620
	Collinsville	2,500	C	Feb., '14	2	F. A. Wright	1	May, '16	1,800
	Madill	2,000	C	Nov., '17	3	A. P. Marsh	1	May, '18	1,800
	Mangum	5,000	C	Nov., '14	4	R. B. Snell	1	Jan., '19	1,800
	McAlester	19,000	C	Nov., '19	1	E. M. Fry	1	Nov., '19	5,000
	Muskogee	50,000	C	Apr., '20					
	Norman	6,500	C	Sept., '19	1	W. R. Gater	1	Sept., '19	

				IN		MANAGER					
STATE	CITY	POPULATION	PLAN	EFFECT		NO.	NAME	CITIES	APPOINTED		SALARY
	Nowata	8,000	C	Apr.,	'20						
	Sallisaw	3,000	C	Nov.,	'19	1	Fred E. Johnston	1	Nov.,	'19	$3,000
	Walters	3,600	C	Sept.,	'19	1	W. B. Anthony	1	Nov.,	'19	3,000
	Weatherford	3,000	o	Aug.,	'17	3	G. A. Critchfield	1	June,	'19	1,700
Ore.	La Grande	6,200	C	Oct.,	'13	4	John Collier	1	Jan.,	'19	1,800
Pa.	Altoona	65,000	o	Jan.,	'18	1	H. Gordon Hinkle	1	Jan.,	'18	7,500
	Ambridge	13,000	o	Nov.,	'18	2	W. M. Cotton	3	Feb.,	'20	4,500
	Coraopolis	7,500	o	Mar.,	'20						
	Edgeworth	2,500	o	Jan.,	'14	3	Robert Lloyd	1	Mar.,	'20	
	Mifflinburg	2,000	o	Jan.,	'19	1	Wm. D. Kochersperger	1	Jan.,	'19	2,500
	Sewickley	6,200	o	Oct.,	'18	1					
	Towanda	6,000	o	Apr.,	'18	1	W. T. Howie	1	Apr.,	'18	1,200
S. C.	Beaufort	3,700	C	May,	'15	4	Hal R. Pollitzer	1	May,	'18	1,800
	Rock Hill	10,000	C	Feb.,	'15	2	E. R. Treverton	1	Dec.,	'19	3,600
	Sumter	10,000	C	Jan.,	'13	5	W. T. Brown	1	May,	'19	4,000
S. D.	Clark	1,500	o	May,	'12	1	J. E. Smith	1	May,	'12	1,200
Tenn.	Alcoa	3,500	C	July,	'19	1	V. J. Hultquist	1	July,	'19	2,000
	Kingsport	10,000	C	Mar.,	'17	3	Herbert L. Kidd	1	Apr.,	'20	4,200
Tex.	Amarillo	20,000	C	Dec.,	'12	4	S. B. Motlow	1	Jan.,	'20	
	Beaumont	35,351	C	May,	'20						
	Brownsville	13,200	C	Jan.,	'16	3	George Grupe	1	Feb.,	'20	5,000
	Brownwood	10,500	C-	Apr.,	'16	3	E. R. Brashear	1	Feb.,	'19	2,400
	Bryan	5,530	C	July,	'17	3	H. A. Burger (acting)	1	Feb.,	'20	
	Denton	7,000	C	Apr.,	'14	3	H. V. Hennen		June	'19	
	Eastland	12,000	C	Jan.,	'19	1	Walter Lander	2	Jan.,	'19	6,000
	Electra	7,000	C	May,	'19	1	W. H. Larson	1	May,	'19	4,200
	Lubbock	2,200	C		'18	1	Martin S. Ruby			'18	
	Lufkin	7,000	C	Apr.,	'19	1	Lequin Mitchell	2	Apr.,	'19	3,000
	Ranger	30,000	C	May,	'19	1					
	San Angelo	16,500	C	June,	'16	1	E. L. Wells, Jr.	1	June,	'16	2,500
	Sherman	18,000	C	Apr.,	'15	2	O. J. S. Ellingson	1	Apr.,	'15	3,600
	Stamford	5,000	C	June,	'18	2	H. J. Bradshaw	1		'19	
	Taylor	8,200	C	Apr.,	'14	3	A. V. Hyde	1	Apr.,	'18	2,000
	Teague	3,760	o	Jan.,	'15	3	C. E. Johnson	1		'19	
	Terrell	8,400	C	Aug.,	'19	1	J. P. Kittrell	1	Aug.,	'19	2,400
	Tyler	15,000	C	Apr.,	'15	2	Henry J. Graeser	1	Aug.,	'18	3,600
	Yoakum	7,500	C	Apr.,	'15	2	J. V. Lucas	1	Nov.,	'19	
Utah	Brigham City	5,000	o	Jan.,	'18	2	John H. Burt	1	Jan.,	'20	
Va.	Bedford	4,500	o	Apr.,	'20						
	Blackstone	2,000	o	June,	'14	1	R. B. Stone	1	June,	'14	1,500
	Bristol	7,200	C	Sept.,	'19	1	R. W. Rigsby	1	Sept.,	'19	3,000
	Charlottesville	13,000	o	Aug.,	'13	3	Shelton S. Fife	1	Sept.,	'18	2,400
	Farmville	4,000	o	Sept.,	'15	2	Leslie Fogus	1	Sept.,	'17	1,400
	Fredericksburg	7,000	o	Sept.,	'12	2	L. J. Houston, Jr.	1	Oct.,	'18	3,600
	Hampton	8,000	C	Sept.,	'20						
	Lynchburg	35,000	C	June,	'20						
	Newport News	37,500	C		'20						
	Norfolk	200,000	C	Sept.,	'18	1	Chas. E. Ashburner	3	Sept.,	'18	12,000
	Petersburg	25,000	C	Sept.,	'20						
	Portsmouth	80,000	C	Jan.,	'17	2	W. B. Bates	1	Aug.,	'17	5,000
	Roanoke	47,346	C	Sept.,	'18	1	W. P. Hunter	1	Sept.,	'18	4,800
	Staunton	12,000	o	Jan.,	'08	2	S. D. Holsinger	1	Jan.,	'11	2,000
	Suffolk	9,000	C	Sept.,	'19	1	Richard H. Brinkley	1	Oct.,	'19	3,000
	Warrenton	3,000	o	Mar.,	'20	1	L. M. Clarkson	1	Mar.,	'20	1,800
	Winchester	7,000	o	May,	'16	2	Thos. J. Trier	1	May,	'18	2,000
Vt.	Springfield	8,000	o	Apr.,	'20						
W. Va.	Charleston	43,000	C-	May,	'15	3	Bonner H. Hill	1	May,	'19	4,500
	Wheeling	80,000	C	July,	'17	2	Chas. O. Ephlin	2	June,	'19	8,000
Canada											
P. Q.	Grand Mere		o	Mar.,	'20	1	J. Ortiz	1	Mar.,	'20	
	Westmount	20,000	C	Apr.,	'13	1	George W. Thompson	1	Apr.,	'13	
N. B.	Edmunston		o	Mar.,	'20	1	L. L. Theriault	1	Mar.,	'20	
	Woodstock	4,000	o	June,	'19	1	R. Fraser Armstrong	1	June,	'19	3,000

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A Correct Public Policy Toward the Street Railway Problem

A Report of the National Municipal League Committee on Public Utilities in which All Previous Reports are Summarized and the Unsolved Elements of the Problems Listed.

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A CORRECT PUBLIC POLICY TOWARD THE STREET RAILWAY PROBLEM

A REPORT OF THE NATIONAL MUNICIPAL LEAGUE'S COMMITTEE ON PUBLIC UTILITIES IN WHICH ALL PREVIOUS REPORTS ARE SUMMARIZED AND THE UNSOLVED ELEMENTS OF THE PROBLEM ANALYZED.[1]

I. A CRISIS IN LOCAL TRANSPORTATION

The fundamental dangers to the political institutions and the civic welfare of the country involved in the confusions and conflicts in the street railway situation at the present time are apparent in every place where urban or interurban street railway transit is an important factor in community life.

The policy of private management under partial public control has broken down. The hope of speculative profits which induced private investors to put vast sums of money into it is now dead. Street railway franchises requiring adequate service at reasonable rates are seen to be liabilities instead of assets. The street railway managers generally are in a "blue funk." They see no future ahead of them. The abandonment of the five-cent fare offers temporary and partial help, but not enough. Wages mount. Competition thrives. Traffic falls off. The people are more and more estranged. The business does not pay. The companies have sowed to the whirlwind of speculation; they are now reaping the sandstorm of disillusionment. Yet invested capital, like any man or beast, gets dangerous when it gets hungry. The whole complex financial structure of the street railways—fat underlying leases, gilt-edge first mortgages, guaranteed stock, operating companies, holding companies, super-holding companies and all—is on the verge of collapse.

Street railway service is a necessity in large cities. Yet the cities have not prepared themselves to assume responsibility for it. Capital is getting "ugly," and the public, in its alarm, is withdrawing the hand of regulation. Before we know it, we are likely to find the street railway in the status of a private enterprise operated solely for the benefit of the investors, though still holding its privileged status in the public streets. Instead of a public utility, designed to render the greatest possible amount of service to meet the public needs of urban communities, it will be a mere private business conducted solely in the hope of securing profit or avoiding loss to its owners.

THE PRESENT CONDITION IS A PUBLIC MENACE

First, the stability of the country's financial and industrial organization during the reconstruction period is seriously imperilled as a result of the financial strain upon this strategic industry in which several billion dollars have been invested and several hundred thousand men find employment.

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[1] The original draft of this report was presented at the Cleveland Conference, December 30, 1919, by Dr. Delos F. Wilcox, chairman of the committee. It has since been revised and enlarged for publication in the *Review*. The members of the public utilities committee, besides the chairman, are the following: Alfred Bettman, of Cincinnati; John P. Fox, of New York; John A. Harzfeld, of Kansas City, Mo.; Stiles P. Jones, of Minneapolis; William M. Leiserson, of Toledo; George C. Sikes, of Chicago, and Clinton Rogers Woodruff, of Philadelphia.

Second, a public service, essential to the urban population of the country, is being curtailed, and its partial or complete breakdown is threatened by reason of the unsound financial condition of the agencies through which it is furnished.

Third, the control of public authority over the street railway is being loosened and its character as a public utility is being destroyed as a result of its financial distress and the unreadiness of the public to assume responsibility for street railway construction and operation.

Fourth, and perhaps most important of all, with the curtailment of service and expenses rendered necessary by the financial distress of the street railways, there is grave danger of an unprecedented series of conflicts between the companies and their employes, resulting in interruption of service, paralysis of business and possible development of social disorders of the most serious character at a time when social disorders involve the greatest public peril.

From the point of view of the investors in street railway securities, it is property rights that are at stake. From the point of view of the operatives, it is a living wage and participation in management that are at stake. From the point of view of the millions who are dependent upon the street railways for local transportation, it is an essential community service that is at stake. From the point of view of the community as a whole, it is the orderly development of democratic institutions during and after the reconstruction period that is at stake.

A WARNING ILLUSTRATION

An illustration will suffice to show the importance of the street railway problem from every point of view, and the financial, social, and political dangers that result from bungling it. On November 1, 1918, a five-car train, packed with men and women, residents of Brooklyn, returning home from the day's work in the downtown business districts of New York, was wrecked on one of the Brooklyn Rapid Transit lines, with the result that more than ninety people were killed and two hundred others were injured. A strike of the rapid transit motormen had been called on that day as a protest against the failure of the company to reinstate certain employes as recommended by the National War Labor Board in its award of October 24th. The board found that these employes had been dismissed on account of legitimate union activities, contrary to the labor policy announced by the President of the United States for the war period and contrary to the policy which the board itself had adopted in dealing with all similar cases. The wrecked train was being operated by an inexperienced substitute motorman. Public opinion in Brooklyn flamed up against the company and demanded that those responsible for the terrible accident should be prosecuted and punished. The mayor of New York personally undertook as a magistrate to investigate the accident, and following this investigation the motorman and four high officials of the company were indicted for manslaughter. The defendants were so much alarmed by the public feeling against them that they demanded and secured a change of venue to a county outside of New York City.

Meanwhile the company was faced with the problem of paying the enormous damages that would inevitably be awarded as the result of such an accident. Before the accident, the company had already applied for an increase of fare from five cents to seven cents, on the plea that the increased cost of operation made it impossible to continue furnishing service at the franchise rate. At the end of December, 1918, the company went into the hands of a receiver appointed by the federal court. In preparation for their defense, the indicted Brooklyn Rapid Transit officials employed as associate counsel two of the judges in the county in which the trials were to take place. Public opinion in Brooklyn was further inflamed by this action and a measure was introduced into the legislature at Albany, and was passed by the senate, to prohibit these judges from serving as counsel in the cases. Meanwhile the trials of two of the defendants went on and resulted in acquittals. The proposed legislation not having become effective, the county judges played their part in selecting the jury and in summing up the evidence. A third trial recently resulted in a disagreement. An accident, probably the most terrible in the annals of local transportation in the United States, and resulting directly from a dispute between the company and its employes over the question of organization, bids fair to pass into history without any legal punishment being inflicted upon those who were responsible directly or indirectly for it. The hostility of the public and its sense of the futility of all efforts to secure adequate service from this company are accentuated by the fact that the Brooklyn Rapid Transit itself is a holding company, not subject to the jurisdiction of the public service commission, and carries on its public activities through a group of subsidiary companies whose financial and legal relations are so intricate as to baffle public understanding. The accident and the outcome of the trials only accentuated a feeling of bitterness against the company that poisoned the political atmosphere of Brooklyn and has rendered next to impossible any solution of the local transit problem that is dependent upon a spirit of co-operation and mutual good-will between the public and the company.

This Brooklyn Rapid Transit accident and its complex and far-reaching consequences illustrate how the whole street railway situation is charged with dynamite. The mere suggestion that, through a financial breakdown necessitating the neglect of equipment, or through a disagreement between companies and their employes leading to the temporary use of inexperienced substitutes, the operation of local transit systems in the great cities of the country may become subject to such disasters as that which occurred in Brooklyn a year ago last November, is ominous of the dangers ahead unless a prompt solution of the street railway problem is found. The dynamic possibilities for evil of the present condition of the street railway business in the United States could be illustrated in other ways from the experience of almost every city in the country. Danger to life through the physical deterioration of equipment and the demoralization of the operating force is only one of the perils that confront us.

THE LACK OF A DEFINITE PUBLIC POLICY

It cannot be denied that the American people, through their governmental agencies, are failing miserably with respect to the public utility function. This is primarily due to the overload of individual as compared with community initiative that is characteristic of our country. The problem is made much more complex by the fact that so far as street railways are concerned, public policy is determined primarily by forty-eight different commonwealths, and secondarily by hundreds of individual municipalities. In some instances, even local transportation systems are operated in two separate states. A notable illustration is the local street railway system of the two Kansas cities. Another is the street railway system of Omaha and Council Bluffs. Another is the Hudson tubes operating between New Jersey and New York. In such cases there is a chance of conflict between the policies of two states with respect to the same local transportation problem. When it comes to municipalities, the opportunities for diversity of aim and for conflict of policy are almost infinite. In New Jersey, a single street railway company serves no less than 141 municipalities. Similar conditions on a somewhat smaller scale are found in Massachusetts, Connecticut, Rhode Island, Pennsylvania, Ohio and other states, where cities are close together and interurban street railway communication has been developed.

Street railways were originated as local urban utilities. The development of local transit is a legitimate and necessary concern of municipal policy, as it is vitally related to city planning, the distribution of population and other essential urban problems. In recent years, however, partly as a foil to the agitation for municipal ownership, the states generally have adopted the policy of regulation through state commissions. A blind conflict has arisen between state and municipal aspirations, with the result that instead of the co-operation between central and local authorities, which in the nature of the case is essential to the successful control and development of public utilities under modern conditions, we have almost everywhere a spirit of antagonism and political strife by means of which both the municipalities and the state agencies have been paralyzed and rendered ineffective in the development and application of public policies with respect to public utilities.

Under these conditions the need for a definite, constructive street railway program, formulated in the public interest and supported by a crystallized and intelligent public opinion, is imperative.

II. PUBLIC POLICY AS DEVELOPED BY THE NATIONAL MUNICIPAL LEAGUE, 1900–1920

For the past twenty-five years the National Municipal League has served as a constructive agency in the development of municipal policies in this country. In the formulation of the first municipal program twenty years ago it took advanced ground with respect to the control of public utilities and, during the past ten years, its committee on franchises has given extended consideration to this problem. The League recommended in the original municipal program, adopted after prolonged consideration, that "every city . . . shall be vested with power to perform and render all public services," subject to any express limitations that may be contained in the constitution and statutes of the state. It proposed that bonds issued for water supply, "or for other specific undertaking from which the city will derive a revenue," shall not be subject to the general debt limit unless the particular undertaking, after five years of operation, fails to be self-sustaining. In brief, the original municipal program was based upon the theory of rational municipal home rule with respect to public utilities as with respect to other municipal problems, and recognized the principle that public utility debts should be treated in a different way from debts incurred for non-productive improvements.

PUBLIC UTILITY PROVISIONS OF NEW MUNICIPAL PROGRAM

The new municipal program, adopted by the League in 1915, includes "Municipal Home Rule Constitutional Provisions" recommended for incorporation in the state constitutions. One of these provisions is to the effect that "each city shall have . . . authority to exercise all powers relating to municipal affairs." This grant is made specific with respect to public utilities by the further provision that the following shall be deemed to be a part of the powers conferred upon cities, namely: "to furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by the general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof"; also "to issue and sell bonds on the security . . . of any public utility owned by the city, or of the revenues thereof, or of both, including . . . if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility."

The new municipal program, in the subdivision relating to the model charter, contains specific provisions with relation to public utilities (Sections 63–72, inclusive). The general policy recommended by the League is expressed in a footnote appended to the sections relating to public utilities, as follows:

> Note 20. The public utility and franchise policy embodied in a model city charter should be so formulated as to conserve and further the following purposes:
>
> I. To secure to the people of the city the best public utility service that is practicable.
>
> II. To secure and preserve to the city as a municipal corporation the fullest possible control of the streets and their special uses.
>
> III. To remove as far as practicable the obstacles in the way of the extension of municipal ownership and operation of public utilities, and to render practicable the success of such ownership and operation when undertaken.
>
> IV. To secure for the people of the city public utility rates as low as practicable, consistent with the realization of the three purposes above set forth.
>
> It should be no part of such policy to secure compensation for franchises, or special revenues for general city purposes, by an indirect tax upon the consumers of public utility services.
>
> In formulating a policy to carry out the four purposes above stated the following principles should be recognized:
>
> 1. Each utility serving an urban community should be treated as far as practicable as a monopoly with the obligations of a monopoly; and its operation within the city should be based as far as practicable upon a single comprehensive ordinance or franchise grant uniform in its application to all parts of the city and to all extensions of plant and service.
>
> 2. Every franchise should be revocable by the city upon just compensation being paid to its owners, when the city is prepared to undertake public ownership.
>
> 3. The control of the location and character of public utility fixtures, the character and amount of service rendered and the rates charged therefor should be reserved to the city, subject to reasonable review by the courts or a state utilities commission where one exists.
>
> 4. The granting and enforcement of franchises and the regulation of utilities operating thereunder should be subject to adequate public scrutiny and discussion and should receive full consideration by an expert bureau of the city government established and maintained for that purpose, or in case the maintenance of such

bureau is impracticable, by an officer or committee designated for the purpose.

5. Private investments in public utilities should be treated as investments in aid of public credit and subject to public control, and should be safeguarded in every possible way and the rate of return allowed thereon should be reduced to the minimum return necessary in the case of safe investments with a fixed and substantially assured fair earning power.

The policies above outlined have been adopted by the National Municipal League.

SUGGESTIONS FOR A MODEL STREET RAILWAY FRANCHISE

At the conference held at Richmond, Virginia, in November, 1911, a subcommittee of the committee on franchises submitted a report outlining the elements of a model street railway franchise. In its conclusions this subcommittee said:

In our opinion the first consideration in the operation of a street railway should be the rendering of sufficient first class service. In order to secure this result practically, the franchise should not only reserve to the city specific and comprehensive regulatory powers, but in all cases where there is no existing state or local authority for the purpose should make provision in detail for a supervising commission or officer, with adequate means for enforcing the contract and compelling the grantee to give such service.

The second consideration, in our judgment, should be the protection of the capital legitimately invested in this public service. The aim should be to make street railway securities approximately as safe as municipal bonds. We esteem it a disgrace to a city either to lend the use of its streets for the exploitation of the credulity of unwary investors or to impose such severe restrictions upon capital honestly invested in a public utility as to drive the franchise-holder into bankruptcy. We also think it to be a lamentable error in public policy for a city by laxity in supervision to permit the grantee of its franchises so grossly to mismanage a public utility and overload its capitalization as to deprive the public of adequate service and at the same time endanger the security of invested capital.

We consider that while the question of street railway fares is of great importance it is after all secondary to the furnishing of adequate service, to the honest protection of necessary investment, and to the gradual amortization of the capital for the benefit of the city. We think that the franchise should prescribe an initial rate of fare, but should provide for an occasional readjustment either through regulation or by means of an automatic schedule of rates specified in the grant itself. An interesting experiment with the latter policy is now being made in Cleveland, and the final results there will throw important light upon this method of adjusting rates. Whatever rate may be in force at any particular time we think that as far as practicable it should be uniform within the city limits, and that a general system of transfers without extra charge should be provided.

We have considered with care the question of compensation for franchises. In our judgment the car riders should not be taxed for the relief of the general tax rate. While there are strong arguments for the policy of requiring a franchise holder to pay taxes at the regular rate on the value of its property outside of the streets, we think that at least all compensation in excess of this requirement, whether in the form of general city taxes, car license fees, a percentage of gross receipts or a division of net profits, should be applied either to the construction of extensions on the city's account, or to the amortization fund, or should be remitted for the benefit of service or for the reduction of rates.

The public necessity of maintaining continuous service on a street railway system is so great that in our judgment the franchise should provide some method for the arbitration of labor disputes so as effectively to prevent strikes.

We have been impressed by observation and experience with the tremendous cost in human vitality represented by the time and energy wasted in transit. It is often true that a half hour or an hour spent on a crowded, poorly lighted, badly ventilated street car at the end of a hard day's work is a greater tax upon a person's strength than an extension of the day's labor for the same time would be. The cost of transportation is not to be measured merely by the fares paid. The representatives of the city in framing a street railway franchise contract and in the regulation of street railway service should constantly keep in mind the conservation of human energy as well as financial considerations.

STATE AND LOCAL CO-OPERATION IN THE CONTROL OF PUBLIC UTILITIES

Two years later, in November, 1913, the full committee on franchises submitted a carefully prepared report at the Toronto conference in which it discussed at considerable length the matter of municipal home rule in its relation to the control of public utilities, and took the position that co-operation between state and local authorities, rather than exclusive control by either of them, is essential to the protection of the public welfare in the matter of the regulation of public utilities. Its general outline of a proper co-ordination of state and local functions in this respect is contained in the following paragraphs of the report:

> The extent to which state control of utilities is necessary and the extent to which local control is possible vary greatly in different parts of the country. In states where cities are widely separated, each urban community naturally forms a more or less independent utility center, and municipal control may be developed to a great extent without interfering with the rights of other communities. Moreover, in the case of a great city where the bulk of the service of any particular utility is rendered within the corporate limits, the city's overwhelming "majority interest" in the utility requires the city, for its own protection, to maintain a large measure of local control. Under other circumstances, where cities are bunched together, as they are in eastern Massachusetts and northern New Jersey, it is obvious that unless some new form of co-operation among neighboring municipalities is developed, state control of the utilities will necessarily go much further than is necessary where cities are physically remote from one another.
>
> In view of these various considerations, we suggest that where a city has assumed actively to exercise the functions of regulation, it shall have substantially final authority with relation to the occupation of the streets, the quality of service rendered and the nature of the franchise contract which it may desire to make for the purpose of facilitating the transfer of the property from private to public ownership. In all matters where an appeal lies from the decision of the local authorities, as in the matter of rates or extensions, and in all matters where the state commission has primary jurisdiction, especially in questions relating to competition, accounts and publicity, we suggest that the local department or commission, representing the city's interest and its intelligence on public utilities, have the right to appear officially before the state commission to present the city's case. In other words, in certain important lines of regulation the city should have final authority; in certain other matters the city should have primary jurisdiction, and, in case of appeal, should have the right to be represented officially before the state commission by its local utility experts; while in still other matters the jurisdiction of the state commission should be regarded as normal and complete, but even in these matters the city should have the right to appear in its corporate capacity to make suggestions or to protest against any proposed action affecting utilities that operate within the city limits.

A POLICY WITH RESPECT TO EXTENSIONS

The committee also in its Toronto report outlined certain fundamental principles to be adopted in all municipal franchise contracts with respect to the control and financing of extensions. The committee said in part:

> We believe that a public utility within a given urban community is a natural monopoly, and that one of the first and absolutely essential obligations of such a monopoly is to extend its services to meet all the legitimate needs of the community. . . .
>
> The problem of extensions is a delicate and difficult one. Obviously some power of initiative as well as of veto on the part of the public authorities is necessary. At the same time it is clear that any company could be driven into bankruptcy by the arbitrary exercise on the part of the local authorities of unlimited control over extensions. The construction of an extension means an additional capital investment, and the power of the city to order a private company to

build an extension is the power to compel the stockholders to put more capital into the enterprise, either out of their own pockets or out of the proceeds of bond issues. While it is our opinion that the local authorities should have the right to initiate extensions, it seems to us necessary that the company should have an appeal to impartial authority, preferably the state public utilities commission, for a review of the question of the necessity and financial feasibility of any particular extension ordered by the city authorities. It should not be necessary for the city to show that any particular extension which public need demands would be self-supporting as a separate part of the street railway system, but the earning power of the entire system and the effect of the extension upon the financial condition of the company, taken as a whole, should be among the determining factors.

In many cases it may be found that an extension is desirable, the cost of which would, nevertheless, prove an unreasonable drag upon the system as a whole if paid out of capital account. Under such conditions, the persons who will receive the greatest financial benefit from the construction and operation of the extension are, undoubtedly, the owners of the land that will be made valuable for residential or business purposes by reason of the extension. In our opinion, therefore, provision should be made by which an extension could be built out of the proceeds of special assessments, or directly by the property owners, in cases where the construction of the extension would not otherwise be justified, but where the operation of the extension without the burden of fixed charges would not be an unreasonable burden upon the street railway system as a whole and would be of benefit to the community.

DURATION OF FRANCHISES AND AMORTIZATION OF INVESTMENT

With respect to the duration of franchises, the committee analyzed the advantages and disadvantages of the pure indeterminate franchise of the Massachusetts type and of the indeterminate permit of the Wisconsin type. It called attention to the danger that an indeterminate franchise without any time limit would practically amount to a perpetual franchise, and reached the following conclusion:

In our opinion, it is important that the franchise should be granted for a definite maximum term, subject to the right of the city to terminate the grant in case it is willing to purchase the property at a fair price prior to the expiration of the grant. The pure indeterminate franchise would be relieved of some of its dangers if the policy of requiring public utilities to adopt an amortization scheme for the gradual reduction of their capital investment for the benefit of the city should be embodied in the general law as a universal and positive obligation.

With respect to the amortization of the investment out of earnings, the committee referred to the evils of overcapitalization and took the position that under a proper resettlement franchise any recognized elements of intangible value should be amortized as quickly as possible. Upon this point the report states:

It is not our intention in this report to go into the merits of the temporary capitalization of such items as development expenses, losses due to obsoleteness and inadequacy, etc. We desire, however, to state emphatically that in our opinion the experience of the utilities of the country, and perhaps especially the transportation utilities, has been such as to give a distinct warning against the policy of permanently capitalizing superseded property, accumulated deficits and intangible elements of value. Whatever may be necessary in an adjustment of the capital account, fair alike to the investor and to the public, we are of the opinion that all these elements —sometimes included in appraisals in excess of the permanent value of the physical property— should be written out of capital within a comparatively short period of years. The tendency of the investment to bulge is one that should be as firmly resisted as the tendency to overload a city with debt representing in part improvements that have outlived their usefulness. This policy of holding down the capital account is in our opinion necessary: (1) in order that the investment itself may be safe and stable; (2) in order that rates may be kept within reasonable limits; and (3) in order that the purchase price, which is the touchstone of the franchise contract from the standpoint of possible municipal ownership, shall be brought within the limits of the city's financial ability.

The report recognized that there might be a legitimate difference of opinion as to the advisability of requiring the amortization of the entire capital account of a public utility while it is being held under private ownership. "It should be made perfectly clear," says the report, "that the amortization we refer to is not the amortization of the company's bonds for the benefit of its stockholders, but the amortization of the investment itself, represented by both stocks and bonds, as a process for the gradual transfer of the ownership of the property from private to public hands." As between the theory that the entire capital account should be amortized and the theory that only the intangible elements and superseded property need be amortized, the committee did not feel called upon to make a definite choice in this report, but stated that the members were unanimous in the opinion that amortization should be carried *at least* as far as contemplated by the second of these theories.

RESETTLEMENT FRANCHISES

With respect to the resettlement of outstanding franchises, the committee took the following position:

> In our opinion, it is essential to the proper development of the utilities of any city and to the full realization of the principles of public control, that, in all cases where the outstanding franchises run in perpetuity or for unreasonably long periods, the city should definitely set about devising means for recapturing them. While it is our opinion that every legitimate investment in a necessary public utility should be carefully protected, we do not believe that franchises as such should be irrevocable, or that they should have special value apart from their function of giving life to the property of the utility.
>
> There is a well-established rule of law that all grants involving franchise rights in the streets should be construed strictly and strongly in favor of the public. In many jurisdictions this rule has come to be known chiefly by the exceptions to its enforcement. We believe that it is a sound rule and should be strictly applied, especially in all cases involving franchises the terms or conditions of which are clearly contrary to sound public policy. We think, therefore, that the municipal and state authorities are justified in using legislation, litigation, taxation, negotiation and all other available means to secure the termination of perpetual and very long-term franchises, and to compel a readjustment of outstanding rights on the basis of thorough-going protection of the investment under the terms of new franchises which will recover to the city the control vitally necessary to its future welfare.
>
> . . . . .
>
> We do not believe that it is possible for cities to treat perpetual franchises or 999-year grants as worth the face value claimed for them by their owners, and at the same time attempt, either by negotiation or by condemnation, to acquire the utilities, paying the alleged value of the perpetual franchises. We regard it as highly impolitic and unethical for the city to perpetuate these burdens upon the future so long as there are means left within the power of the state, or the city, to destroy or at least greatly reduce these illegitimate franchise values, which, if capitalized, could never be sustained either under private or under public ownership, except on the basis of exorbitant rates or subsidies from taxation.

PUBLIC REGULATION OF WAGES, HOURS AND CONDITIONS OF LABOR

In 1915 the Consumers' League asked the National Municipal League to take up the questions of the eight-hour day and the minimum wage in connection with the granting of public utility franchises. In 1916 the threat of a nation-wide strike of the railroad workers, followed, as it was, by the enactment of the federal "eight-hour law," and the actual strikes on the most important transportation systems of New York city, focused public attention upon the labor problem in connection with the operation of public utilities. To meet this situation the committee on franchises prepared a report on "Public Regulation of Wages, Hours and Conditions of Labor of the Employes of Public Service Corporations," which was presented at the conference held at Springfield, Massachusetts, in November, 1916. In this report the committee recognized the employes, the employing corporations and the public, for whom the service is necessary, as the three parties to labor disputes in public utilities, and presented the following analysis of these interests:

First, as to the employes, their legitimate interests, without regard to excessive demands sometimes made by them, may be classified as follows:

a. To secure fair living wages reasonably corresponding with the difficulty and the responsibility of the work they perform.

b. To have their working day of a reasonable length, in consideration of the character of the work and the general labor standards of the community, and to have their hours of work as compact as the nature of their employment will permit.

c. To have the conditions surrounding their work so organized as to be consistent with the reasonable safety, health, comfort and self-respect of the workers.

d. To be assured of continuity of employment, appropriate advancement for efficiency and length of service and ultimate protection from want in case of sickness, injury or permanent disability.

. . . . .

Second, as to the employers, the public service corporations, it is clear that their ultimate interest is the financial one, although this may be translated through a process of enlightened selfishness to include other immediate interests which have the appearance of being more human and generous. But treating their ultimate interest as the controlling one, we may subdivide and classify its specific manifestations as follows:

a. To get the necessary service performed at the lowest possible labor cost by keeping wages down and by limiting the number of employes.

b. To have their property operated and cared for in such a way as to promote its efficiency, maintain its integrity and prolong its useful life as much as possible.

c. To have continuity of service maintained so as to insure continuity of revenues and the protection of their franchises.

d. To have their employes efficient in the collection of revenues and careful and honest about turning them in.

e. To have the service as efficient as possible within given limits of cost so as to earn for the companies the good-will of the public and thus secure for them protection from competition and from adverse governmental acts.

. . . . .

Third, as to the public, its interests are numerous and intense, and now are claiming to be in certain important respects preponderant. We may analyze them as follows:

a. To have continuity of service.

b. To have safety both in connection with the general use of the streets and in connection with the use of the service offered by public utilities.

c. To have public utility employes intelligent, efficient and courteous in order that the service may be good.

d. To have the labor cost of the service kept as low as possible and to have all the legitimate revenues of the utility collected without favoritism and accounted for without fraud in order that the prosperity of the company may lead to better service, lower rates or the sharing of the profits for the reduction of general taxation.

e. To have the public utility plants maintained in a high state of efficiency so that they will be able to respond to the constantly increasing demands of service and, in case of acquisition by the city, not have to be sent to the scrap heap.

f. To have the men and women engaged in the operation of utilities treated according to the best standards of public employment, as being semi-public employes engaged in rendering a necessary public service.

After outlining the means available to the employes, the employers and the public for the protection of their several special interests, the committee said:

This discussion of the special interests of the three respective parties and of the special means available to each of them for the protection of these interests would leave us helpless in a welter of conflicting forces and an anarchy of practical results, if it were not for the fact that above the employes, above the corporations and even above the consuming public, stands the higher power of the community, which includes all three parties and which has a powerful interest in harmonizing as far as possible, and in compromising where harmony is out of the question, the subordinate individual interests of the three parties. Above all, the community is interested in seeing that justice is done. Therefore, we may combine in our further discussion the several more or less divergent movements that have for their aggregate purpose to see not only that the employes, employers and consumers get their just rights but also that they perform their just duties.

THE PREVENTION OF STRIKES ON PUBLIC UTILITIES

The committee then stated that it had given consideration to certain specific questions and had reached a general agreement as to the answers that should be given to them. The questions in full and the answers in abbreviated form follow:

Question 1.—Is the public interest in the continuous operation of any or all public utilities sufficient to warrant the adoption of legal measures to prevent strikes?

Our answer to this question is an emphatic affirmative. We recognize that thus far the *danger* of the interruption of service is greatest in the case of transit, and, therefore, that the need of measures to prevent strikes is more pressing here than in other utilities. . . .

Question 2.—If the right of public service employes to strike is curtailed, or denied altogether, then shall public guaranties be given that their legitimate interests will be protected?

Again, our answer is an emphatic affirmative. The proposal to limit or deny the right to strike has its basis in the recognition of *the public character of the business,* the same fact that justifies the regulation of rates and services. As the theory of rate regulation necessarily involves a recognition of monopoly and a partial or complete protection against competition, so the limitation of the right to strike necessarily involves the protection of the employes against those evils for which the strike has heretofore been the ultimate remedy. . . .

Question 3.—If the state curtails the use of the strike and assumes the protection of the interests of the employes, in what particular respects must control of their relations with their employers be assumed?

Speaking broadly, we may describe the vital interests of the employes for the protection of which the strike is now the ultimate weapon, as wages, hours of labor and conditions of work. In "conditions of work" we include not only provisions for physical safety and comfort, but also the rules relating to performance of duties, discipline, discharge and the hearing of grievances.

Question 4.—By what general method is public control of the relations between public utility employes and their employers to be established?

Three methods suggest themselves as possible: (a) the inclusion of the necessary provisions in franchise contracts, as suggested by the Consumers' League; (b) the general regulation of all these matters from time to time by statute or ordinance, and (c) the fixing of standards by regulating commissions or tribunals.

. . . . .

We believe that wherever well-equipped public service commissions exist, the duty of establishing detailed standards and rules relative to the relations of the public service corporations and their employes may properly be imposed upon such commissions. This is quite apart from the settlement of particular disputes and the fixing of specific wages, hours and conditions of employment in particular cases, as to which we shall speak later on.

In brief, so long as the control of public utilities continues to be effected by different methods in different states and cities, we are of the opinion that the control of the relations between the utilities and their employes may properly be effected by the same methods. Thus, franchises, state laws and local ordinances and the orders of regulatory commissions may all be made use of for this purpose at different times and in different places according to the circumstances and the inherent possibilities of each case.

Question 5.—If the ultimate protection of the employes of public utilities is to be assumed by the community, what particular means ought to be adopted for dealing with them? Should the unions, with the right to strike curtailed, be continued as the most advantageous means of getting the grievances and demands of the employes formulated and presented to the employers, and, when necessary, to the public authorities on appeal?

In our opinion, the advantages of collective bargaining to all parties concerned are so great and so obvious that at the very least no public action should be taken to discourage the organization of the employes of public utilities for all legitimate purposes. We take this position fully recognizing the fact that the assumption by the community of the protection of the employes, like the regulation of rates and service, is a step in the direction of ultimate public ownership, and that any methods of settling labor disputes established with public approval under private ownership will be likely to be carried over into the public service if at a later time the community undertakes municipal operation. We believe that from the point of view of the public itself, the best results can be obtained when intelligent representatives speak for a group or union, rather than leave every individual employe to speak for himself. This will probably hold good even where complete municipal operation obtains.

Question 6.—Shall the ultimate adjustment of specific difficulties between public service employes and their employers be referred to a tribunal established for the adjustment of similar questions between employes and employers generally, or to special tribunals improvised in each particular case, or directly to the public service commission or other regularly constituted authority, as such difficulties arise from time to time?

. . . Permanent general tribunals for arbitration and conciliation, even if given authority to reach definite and binding decisions, have to deal for the most part with situations not quite analagous to those which prevail in connection with public utilities. It might readily happen that the reduction of rates by one tribunal and the raising of wages by another would subject a public service corporation to a ruinous squeezing between the upper and the nether millstones. On account of the intimate interdependence of rate regulation and wage regulation in the case of public utilities, a great deal can be said in favor of giving both functions to the same body. The advantages of this policy are emphasized when we reflect upon the fact that the performance of the wage-regulating function as well as the establishment of the hours of labor and the conditions of labor, requires the collection of data and statistics based upon continuous observation. For the collection of the facts the public service commissions are already fairly well-equipped. For the reasons given, we are of the opinion that experimentally the power to fix wages and to settle disputes between public service corporations and their employes should be conferred by law upon the public service commissions, in terms calculated to secure promptness in the rendering of decisions and finality for definite though comparatively short periods of time.

PREPARATION FOR PUBLIC OWNERSHIP

Finally, in a report submitted at the Detroit conference in November, 1917, the committee on franchises, after discussing certain recent developments in the public utility field affecting franchise policies and municipal ownership, made the following recommendations:

1. That every state remove the handicaps from municipal ownership by clearing away legal and financial obstacles, so far as they are now embedded in constitutional and statutory law.

2. That every state provide expert administrative agencies for the regulation and control of public utilities. These agencies should have full jurisdiction over interurban services and over local services where the local authorities are unwilling or unable to exercise local control. They should have limited jurisdiction wherever the local authorities are in a position to exercise the full normal functions of municipal government, and should even have jurisdiction with respect to accounting and reports in the case of utilities owned and operated by municipalities.

3. That every city where public utilities are operated primarily as local services should definitely recognize these services as public functions and set in motion at once the financial machinery necessary to bring about the municipalization of public utility investments at the earliest practicable moment.

4. That every such city, pending the municipalization of its utilities, recognize the necessity of giving security to public utility investments and to a fair rate of return thereon, and to that end assume as a municipal burden the ultimate financial risks of public utility enterprises and insist upon receiving the benefits naturally accruing from this policy in the form of a lowered cost of capital.

5. That every city definitely adopt the policy of securing public utility service to the consumers either at cost, or at fixed rates not in excess of cost with subsidies from taxation whenever needed for the maintenance of the service at the rates fixed.

6. That every large city provide itself with expert administrative agencies for the contin-

uous study of local utility problems; for the adjustment of complaints as to service; for the preparation and criticism of public utility contracts and ordinances; for the formulation of standards of public utility service; and for adequate representation of itself and its citizens in proceedings before the state commission or other tribunals affecting the capital stock and bond issues, the inter-company agreements, the accounting methods, the reports, the valuations, the rates, and the practices of public service corporations operating in whole or in part within the city's limits.

We believe that the foregoing includes only the essential points in the development of a constructive public utility policy, and that there is the most urgent need of the definite formulation and adoption, by the several states and cities of the country, of definite programs based upon the principles above outlined.

III. UNSOLVED PROBLEMS THAT DEMAND IMMEDIATE ATTENTION

It will be seen from the foregoing that the National Municipal League and its committee have already given prolonged and serious consideration to the problem of the control and ultimate municipal ownership and operation of public utilities, particularly of street railways. But within the past two years the situation in the public utility world has become extremely critical and the need for the adoption of measures to carry out the policies which the League has heretofore recommended is apparent. Never before has the need for constructive work of this kind been so imperative as it is right now. We can no longer rest content with the declaration of general principles, because the problems requiring practical solution are immediate, insistent and threatening. The following definite pieces of work ought to be undertaken at once:

(1) An investigation and analysis of the problems of public utility control with particular reference to the delimitation of the powers and functions of the state and local authorities respectively, and to the devising of plans by which the effective co-operation of state and local authorities can best be secured in the control of public utilities. This calls for the preparation of a model public utilities law, particularly with respect to the agencies through which control shall be exercised and with respect to the organization of public utility districts for the purpose of exercising local public utility powers where particular utilities are necessarily or advantageously operated as units within two or more municipalities, whether the utilities are privately or publicly operated. This would probably involve the publication of a volume containing the results of the investigation and an analysis of the problem of state and local regulation.

(2) The formation of definite policies and the preparation of definite plans for the consummation of municipal or state ownership and for the successful public operation of public utilities. This will necessarily include—

(a) The preparation of specific constitutional amendments and enabling legislation in states where such measures have not already been provided.

NEW CONDEMNATION LAWS REQUIRED

(b) The preparation of special condemnation laws to facilitate the acquisition of public utilities upon just and reasonable terms. This matter of condemnation laws involves many important problems. First, there is the determination of the extent of the municipality's obligation to acquire the property of an existing utility rather than construct a competing plant. Then there is the question as to what property must be included in condemnation proceedings and as to the principles upon which severance damages, if any, shall be estimated. Also there is the question as to the principles of valuation to be applied in the acquisition of property already devoted to public use and subject to the charter and franchise obligations under which it is operated, as compared with the principles of valuation applicable where purely private property is taken for public use against the wishes of the owner. Furthermore, there is the question of the tribunal by which the valuation is to be made and of the facilities to be guaranteed to the public body instituting the condemnation proceeding for access to the physical property and to the records of its operation in the preparation of evidence to be laid before this tribunal. It is well known that in many—perhaps in most—cases, the men who represent public utilities in negotiations for the adjustment of rates or for the sale of the property are not in a position where they can agree to a capital value or purchase price that would be fair to the public. It is essential, therefore, that the process of condemnation be perfected so as to be adapted to the ready and prompt determination of a just value.

(c) The preparation of constitutional amendments and legislation necessary to enable the cities or public utility districts to secure the funds for the purchase of the utilities on the most advantageous terms possible. This involves the question of constitutional and statutory debt limits; the question of the issuance of bonds for utility purposes outside of the debt limit under certain conditions; the question of the issuance of bonds as a lien upon the property of the utility with a franchise for the operation of the utility in case of default; and the question of the issuance of utility bonds or certificates secured by a lien upon the earnings of the utility similar to the plan under which the city of Seattle has recently taken over the local street railway system.

(d) The preparation of administrative plans for the public operation of utilities, designed to make such operation efficient and responsive to the community's needs. This involves questions relating to the constitution of the agency to which public operation is to be entrusted, the character and responsibility of the management, the rules for employment, promotion and dismissal, the rules for the purchase of supplies, the rules for accounting and reporting and the rules for the handling of consumer's complaints.

(e) The preparation of plans for the adjustment of disputes between the employes and the management of the municipal utilities and for the promotion of loyalty and efficiency among the employes. This includes the problems of wages, hours and conditions of work, courtesy of the employes to the public, diligence of the employes in the collection of revenues and their accuracy and honesty in turning them in. In this general connection, the question of labor's direct participation in management will have to be given earnest consideration.

(f) The formulation of a policy with respect to the extension of facilities for utility service and with respect to rates and charges for such service. This involves a consideration of the relative portions of the cost of utility service to be borne by the public at large through taxation and by the private consumers respectively. The question of appropriations from taxes for general services rendered, such as the free conveyance of policemen and firemen while on duty and the question of subsidies out of taxation to enable a street railway system to maintain low rates on account of the civic and social benefits to be derived therefrom, have to be considered in this connection.

CONCLUSION: STREET RAILWAY TRANSPORTATION IS A PUBLIC FUNCTION

The street railway companies generally are clamoring for financial relief; though in certain cases the immense development of traffic during 1919, where the fare has not been raised above five cents, is easing up the situation. In other cases, the economies of one-man safety car operation and the increase in revenues attributable to the better service made possible by the use of these cars have cheered up the street railway men a bit. Then there is the mysterious gasoline street car promised by Henry Ford, which, if it materializes, will bring a mixture of blessings and trouble to the local transportation business. It is possible that technical improvements such as these may revolutionize the business and enable it to bear the continued burden of high prices and increased wages without a permanent abandonment of the five-cent fare. It is also possible that the demonstrated incompetencies of private management under the old temptations of monopoly and the unhappy control of speculative investment bankers may give place, under the stress of competition and poverty, to improved methods and better operating results in the future.[1]

But the fundamental relations of the street railways to the public never have been satisfactory. Neither financial relief by means of higher fares, nor subsidies from taxation to support the five-cent fare, nor a revolution in operating methods, will solve the problem. Street railway transportation is a public function; it cannot be put upon a permanently sound basis until the organized community has prepared itself to perform the function.

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[1] Mr. Stiles P. Jones, a member of the Public Utilities Committee, suggests that "in the interest of both the public and the companies emphasis should be placed upon the necessity, during the remaining years of private operation, of the following:

"(1) Every effort on the part of the companies to get on a new basis of understanding with their employees and the public, looking to a larger measure of co-operation for efficient and economical operation of the properties, to increase revenues, and to a larger public usefulness of the utility.

"(2) A new political attitude working to the voluntary elimination of the companies from local and state political activity.

"(3) Acceptance by the companies of a policy of thorough publicity of their affairs, associated with public representation on their boards of directors.

"(4) Associated with any service-at-cost agreement with the municipality, a comprehensive public control of all phases of operation as a means to assure efficiency and economy of operation.

"(5) In the absence of an agreed-upon investment account, voluntary reorganization of the companies' finances to make capitalization fairly represent the value of the property."

APPENDIX

PUBLIC UTILITY SECTIONS OF THE NATIONAL MUNICIPAL LEAGUE'S MODEL CITY CHARTER

PUBLIC UTILITIES[20]

SECTION. 63. *Granted by Ordinance.* All public utility franchises and all renewals, extensions and amendments thereof shall be granted or made only by ordinance; but no such proposed ordinance shall be adopted until it has been printed in full and until a printed report containing recommendations thereon shall have been made to the council by the city manager [or the bureau of franchises], until adequate public hearings have thereafter been held on such ordinance and until at least two weeks after its official publication in final form. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance; and copies of all transfers and mortgages or other documents affecting the title or use of public utilities shall be filed with the city manager within ten days after the execution thereof.

SEC. 64. *Term and Plan of Purchase.* Any public utility franchise may be terminated by ordinance at specified intervals of not more than five years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise the property of such utility necessarily used in or conveniently useful for the operation thereof within the city limits.[21] The method of determining the price to be paid for the public utility property shall be fixed in the ordinance granting the franchise.

SEC. 65. *Right of Regulation.* All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for misuse or non-use, or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed;

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;[22]

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such public utility; *Provided*, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the city is a part, the forms so prescribed shall be controlling so far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction;

(e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

SEC. 66. *Consents of Property Owners.* The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility;[23] but any such property owner shall be entitled to recover from the owner of such public utility the actual amount of damages to such property on account thereof less any benefits received therefrom; *Provided*, suit is commenced within two years after the damage is begun.

SEC. 67. *Revocable Permits.* Permits revocable at the will of the council for such minor or temporary public utility privileges as may be

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NOTE 20. See body of report where this note is reproduced in full.

NOTE 21. Where a term limit for the franchise is desired, provision should be made either for amortization of the investment, or at least that portion of it within the limits of public streets and places, during the term of the grant, or for purchase of the physical property at the end of the term.

NOTE 22. A franchise should include provisions for the readjustment of rates from time to time, or for the accumulation of surplus earnings for the purchase of the property in case rates are fixed for a long period in the grant.

NOTE 23. In some states there are constitutional provisions requiring the consent of adjacent property owners for the construction and operation of street railways. The constitution of New York requires such consent, or in lieu thereof approval of the proposed construction by commissioners appointed by the appellate division of the supreme court, and confirmed by the court. Some such provision as the latter may be desirable.

specified by general ordinance may be granted and revoked by the council from time to time in accordance with the terms and conditions to be prescribed thereby; and such permits shall not be deemed to be franchises as the term is used in this charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

SEC. 68. *Extensions.* All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 64 hereof. In case of an extension of a public utility operated under a franchise hereafter granted, then such right shall be terminable at the same times and under the same conditions as the original grant.

SEC. 69. *Other Conditions.* Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in sections 63 to 72 hereof, whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions in connection with any franchise grant.

SEC. 70. *Franchise Records.* Within six months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all the franchises owned or claimed, or under which any such utility is operated. The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city.

SEC. 71. *Bureau of Franchises and Public Utilities.* There shall be established by ordinance a bureau of franchises and public utilities, at the head of which shall be an officer to be appointed by the city manager.[24] Such officer shall be an expert in franchise and public utility matters, and he shall be provided with such expert and other assistance as is necessary to enable him to perform his duties. It shall be the duty of such officer and bureau to investigate and report on all proposed ordinances relating to public utilities, to exercise a diligent oversight over the operation of all public utilities operated under franchises, to report thereon with recommendations to the city manager, to represent the city in all, except legal, proceedings before any state public utilities commission involving the public utilities within the city, and to perform such other duties under the direction of the city manager as may be prescribed by the council.

SEC. 72. *Accounts of Municipally-owned Utilities.* Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for sinking fund purposes; and, in the case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment and estimates of the amount of taxes that would be chargeable against the property if privately owned. The council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or ownership and operation, which report shall give the information specified in this section and such other information as the council shall deem expedient.

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[24] NOTE 24. In the smaller cities, say, of less than 50,000 population, it may not be feasible to maintain a separate bureau of franchises and public utilities, but in every city where there is no such bureau the duties described in this section should be specifically imposed upon the city manager. The bureau, when one exists, will be a part of the department of public works and utilities; but in the large cities it may be found desirable to create a separate department of utilities as suggested in note 16.

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NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

From time to time when reformers get to musing together, somebody mentions the need of a state-wide militant civic association to which can be committed the task of pressing consistently and influentially for better conditions in the state government. The California Taxpayers' Association is the only one in the country and it is doing a beautiful job but from this distance it appears not to be rounded out by activity of the rank and file of the membership in conventions and committees which, in the long run, is essential to influence. In New York and Illinois there are those valuable associations which keep tabs on legislators and supply the public and the candidates with terse paragraphs of elaborately substantiated fact, but these are bureaus rather than associations and are largely prevented from lobbying for progressive measures by the necessity of irritating as candidates the very men they must cajole as legislators. Elsewhere there are state manufacturers associations and state chambers of commerce with some civic items in their programs but they, of course, cannot fill the bill although the New Jersey Chamber of Commerce comes pretty near it.

In Ohio and in New York the project of a state civic league has been in the minds of many for a long time but nothing tangible has yet been developed. In various states the National Municipal League has members enough to constitute a fairly satisfactory nucleus—ninety members in Illinois, for example—and some months ago the League's executive committee authorized the secretary to call them together with a view to organizing a state chapter that could urge the National Municipal League's line of reforms upon the constitutional convention; prospective change of secretaries, however, prevented action.

The difficulty of getting up state civic organizations is in the fact that the members are hopelessly scattered. Committees cannot meet. Quorums cannot be mustered. No matter where you locate the office and secretary the organization forthwith may be suspiciously tarred as being a "that-city bunch" and interest in other centers may jealously wane. A state association is much harder to organize than a city association.

But it can be done. And sooner or later such state associations must come. Their opportunities are immense and they are likely to achieve victories more easily than local reformers ever did.

II

The practice of issuing separable Supplements with this magazine has gone far enough to prove its value rather definitely already. Mr. Bassett's admirable contribution on "Zoning" in this issue is the fifth of these pamphlets. We print an over-run of each and carry a stock on hand for which there is usually a prompt and lively demand in singles and in quantities. Mr. Purdy's Supplement on "Assessment" is already in its third edition, paying for itself as it goes.

III

The reformer and politician often represent two certain opposing types of humanity,—what Raymond Robins is fond of describing as the "indoor" and the "outdoor" minds.

Robins himself is an outdoor man; so is Hoover, so was Roosevelt,—a type that progresses most rapidly when called upon to deal with people. The outdoor type likes rough and ready methods and prefers to carry his office in his hat. Such a man is unhappy when dealing with scientific or abstract work on pieces of paper in a quiet office, or in dissecting a question of principle. He cannot read a bureau of municipal research report or install a system or stand by a precedent. To him the bureau is a flimsy camouflage for its principal financial supporter. To sell him an idea, the bureau director must tell it to him in slang.

The "indoor" man on the other hand hears you talk and then asks you to write it up for him as a report. He does his best thinking in solitude and would rather write it to you than argue it, *e. g.*, Woodrow Wilson. He excels in cold analysis and cannot reason until he has discovered a principle. To sell him an idea, convert it into a syllogism.

The reformer is generally an indoor man and the politician is always an outdoor man. For most of the jobs in the modern city hall, the indoor type is superior. But for a popular representative, the outdoor man is vastly better. Most of the lawyers who argue brilliantly at the legislative committee hearing would be positively illiterate if assigned to the job of getting votes at a truckmen's social club.

The outdoor mind understands better than does the indoor mind that the best basis for persuasion is sympathy. If you would convince a stranger, spend nine-tenths of your time showing him that you and he think the same way about everything, that you are mad about the very things that exasperate him, that you are, indeed, his kind of man, and when you have thus marketed *yourself* to him, you can easily sell him one of your ideas. But the indoor man cannot honestly do that. His discriminations are so positive that he has to disagree even where to concede would not impair his purpose. Intolerance to a certain extent goes with his intellectuality.

Moral: The indoor reformer who deals so expertly with abstract ideas should recognize that government is the art of handling human beings and that the outdoor man is an essential element in the structure.

IV

With this issue we absorb the SHORT BALLOT BULLETIN which for nearly ten years has been published bi-monthly by The National Short Ballot Organization.

When the NATIONAL MUNICIPAL REVIEW was made a monthly it became as prompt with Short Ballot news as the Bulletin and since then there has been little in the Bulletin which has not been covered also, and more fully, in the REVIEW.

Accordingly the April Short Ballot Bulletin is the last and in it the Short Ballot advocates are urged to subscribe to the REVIEW.

RICHARD S. CHILDS.

A CITY FOR SALE

BY VICTOR C. KITCHEN

Strange spectacles have followed in the wake of war and not the least of these is the sight of an entire city of 35,000 population, Nitro, West Virginia, offered for sale to the highest bidder. :: :: ::

I

In France the war has ruined many cities and razed them to the ground. But in America it has caused an entire city of 3,400 buildings to spring up and flourish on flat meadow land where no structure of any kind had stood before.

This city did not just "happen to grow" along cow path lines of least resistance, but was scientifically planned in advance, pipe for pipe, street for street, building for building, and then completely built as a unit by engineers of the United States government.

It was planned as a great industrial center for the economical production of war supplies and to augment the greatly overtaxed capacity of already existing factories. And it was planned to include the largest number of industrial advantages—a great industrial center by purpose—not by luck.

The site, for instance, was chosen at a point now known as Nitro, West Virginia—a point which represents the shortest average distance to the largest number of important cities and supply centers. And it was located on the banks of the Kanawha River in the heart of the Kanawha and New River coal mining regions, producing the finest steam and coking coal in the United States.

This region was also found to be rich in natural gas and other natural resources and climatically favorable to industrial activity.

With transportation charges and the cost of power thus reduced to a minimum and all other favorable factors determined in advance, the streets were laid, the factories built, workmen's cottages and executive residences were erected, lighted, wired, piped, heated and furnished, and stores, schools, a hospital, fire houses, police station, churches, theatres, hotels, dormitories, restaurants, recreation centers and municipal buildings sprang into being.

This "going" city, able to employ, house, feed, educate, entertain and protect a population of 35,000, was completed and occupied in a little less than one year. And the work began.

II

But scarcely had the wheels commenced to turn when the armistice put an end to hostilities and the need for Nitro as a government-owned property became extinct.

The entire city was then placed upon the market with its 729 completed manufacturing buildings, many of them fully equipped, piped, wired and provided with railroad sidings, with its twenty miles of streets and sidewalks, its two thousand cottages for laborers, its forty-nine miles of sanitary sewers, its colossal filtered water supply, its thirty-two miles of natural gas lines, its eighteen miles of broad gauge and twenty-five miles of narrow gauge communicating railways, its four-hundred-bed hospital and twenty-four-room school, its tremendous classification yards, its modern fire and police protection systems, its milk plant and its big department store, its store blocks, clubs, Y. M. C. A. and moving picture theatres—all offered to a single purchaser.

The city was purchased as a whole by the Charleston Industrial Corporation of Nitro, West Virginia.

This corporation is taking advantage of the completed plants and factories, installed equipment, low power costs and other advantages, to develop Nitro as a great industrial center for manufacturers of peace time products.

Again the city has been placed upon the market—a city for sale—not as an entire city, this time, but in plant or sectional units, offered to manufacturers who seek a new plant location or branch factory site where the largest number of industrial advantages are concentrated, and where problems of construction, equipment, transportation, power supply and labor housing conditions have been already solved for them.

Aside from its technical industrial advantages, the city of Nitro offers an interesting study to municipal experts.

Its modern school, for instance, is entirely a ground floor structure, with every one of its twenty-four rooms opening directly outdoors. Its four-hundred-bed hospital comprises a group of twenty-seven separate buildings most modernly equipped and scientifically arranged.

Its filtered water supply with its million gallon sedimentation basin, pumping stations, filters and hill tanks is a model of modern engineering.

Its fire stations, fire fighting apparatus, complete Gamewell alarm system, high water pressure and sprinkled buildings, have earned for it the slogan of the "best protected city in the world."

Its municipal center, barracks, mess halls, kitchens, store blocks, ice plant, milk plant and its various types of workmen's cottages—all are models worthy of close study by municipal students and engineers.

Throughout, each section, unit and element of the city are carefully related to the central plan. Black and white elements of the population are segregated, for instance, and houses suited to various types of labor are located in the vicinity of the plants which require that type of labor.

The four store blocks are situated so that one of them, at least, may be easily reached from every section of the city. Recreation centers are provided at the most convenient locations.

Bus lines unite all points too distant for easy walking. Plants are tied together by a net work of intercommunication lines. And the manufacturing and residential areas are distinctly separated—the factories occupying the flat lands along the river bank, while the residences range back into the foothills.

III

Altogether it is strange to think of such a large, well planned and thriving city being offered as a "buy" to any single purchaser. It is the first complete and self-sufficient city in this country to "change" hands as an entity. It is a "war baby" abandoned by its mother and adopted by a modern business corporation for productive peace time enterprise. And it has proved to be a lusty child. The wheels of Nitro are beginning to turn again. Manufacturers were quick to recognize its unique advantages and are already "moving in" to the buildings so recently vacated by the toilers of war. The taking over of Nitro was begun but a few weeks ago. Its first peace time plant, taken over by a large foundry equipment manufacturer, went into active operation in April—giving immediate employment to several hundred workers.

THE NEW GERMAN CONSTITUTION

BY R. COGGESHALL

Harvard University

In the new republican constitution of Germany written at Weimar last year are to be found the initiative, referendum, recall, proportional representation and municipal home rule! All, however, being more or less Germanized. :: :: :: :: :: :: :: ::

I

The constitution of the German *Reich* or commonwealth was framed by an elective constitutional convention which met at Weimar during the spring and early summer of 1919. It went into force on August 11 of that year. It is a relatively long document, about forty-eight pages in English translation and containing many interesting provisions, political, social, and economic.

The statesmen who assembled at Weimar in the summer of 1919 evidently wished the new German republic to stand beyond doubt as the supreme power in the nation. From Prussia they had learned a bitter lesson concerning the consequences of state domination. As a result they placed "exclusive" jurisdiction, or such supervisory jurisdiction as will easily become absolute, in the hands of the central authorities. The central government was given, in addition, practically unlimited taxing power, and a wide range of authority to guide the law-making authority of the states.

II

The position of the central government, or government of the commonwealth, in relation to the states having been defined, the national executive was the next problem. The president is to be "chosen by the whole German people" for a term of seven years. In the provision for a presidential "recall" the framers showed political acumen as well as enthusiasm for democracy. The national assembly, or lower house, may by a two-thirds vote ask the people to recall the president, but, if the people refuse to recall him, he starts a new seven year term and the assembly is dissolved. This will prevent a hostile legislature from acting without assurance of public support. The constitution expressly provides that all orders and directions of the national president require for their validity the countersignature of a minister. "By the countersignature responsibility is assumed." The English tradition of ministerial responsibility is thus crystalized into words. It is interesting to note that the cabinet "will make its decisions by a majority vote."

The national legislature is divided into two houses, the lower being known as the national assembly (Reichstag), the upper as the national council (Reichsrat). National laws, however, are not enacted by the two houses in concurrence, but by the assembly alone. The upper house may, nevertheless, object to a law, in which case the law may be referred to the people or dropped altogether. The latter step is the only form of veto provided in the constitution—suggestive of our "pocket veto." If, however, the lower house overrides the objection by a two-thirds vote, the law is either referred to the people or promulgated within three months as the president may decide. The people may initiate a bill "if one-tenth of the qualified voters so petition." It is provided that the constitution may be amended by a two-thirds vote of both houses, or by a majority of all the qualified voters at a referendum.

Under the title of "Fundamental Rights . . . of Germans" the new German constitution contains a bill of rights. But these various rights are in almost every case seriously impaired by such phrasing as "exceptions are permissible only by authority of law." It is further provided that the president may suspend, "in whole or in part," the fundamental rights set forth in specified articles. Herein lies the explanation of a recent dispatch from Berlin: "Once more Germany is under martial law, this time by order of the president, who . . . has suspended all civic liberties."

Many provisions deal with education, the church, and the family. For instance, all private schools must be licensed and some types are forbidden altogether. The right of private property is guaranteed, as well as the right of inheritance in accordance with the civil law. The constitution sets up in article 165 an elaborate system of workers' councils ranging from small, local groups to a national economic council which has the right to recommend legislation to the national cabinet and assembly, sending advocates to plead in person before the national assembly. This paralleling of the political organization by an economic organization is perhaps the most significant provision of the document. The storming of the Reichstag some weeks ago was incident to the debate on the factory council's bill introduced by the national economic council.

Of particular interest to the readers of the NATIONAL MUNICIPAL REVIEW will be the specific references to municipalities. In article 17 it is provided that the principles of proportional representation shall apply also to municipal elections. A residence qualification may be imposed by a state law. In article 127, it is stated that "municipalities and unions of municipalities have the right of self-government within the limits of law"—a suggestion taken from recent municipal home-rule movements in this country. In the rather elaborate provisions relating to the schools the constitution stipulates that while "the entire school system is under the supervision of the state, it may grant a share therein to the municipalities."

An English translation of the whole document, with a historical introduction, has been prepared by Professors W. B. Munro and Arthur N. Holcombe of Harvard University. It is published by the World Peace Foundation, 40 Mount Vernon Street, Boston, from whom copies may be obtained on application.

THE OPERATION OF THE CITY-MANAGER PLAN IN WICHITA

BY A. A. LONG
University of Kansas

In our series of subjects of city-manager plan studies Wichita, Kansas, occupies an interesting place because it is the leading case of a city that has changed from the commission plan. :: :: :: ::

I

When the commission form of government, which operated from 1910 to 1917, failed to rid the city of political corruption and inefficient management, there arose in Wichita, Kansas, a demand for the city-manager plan. The recall of a commissioner and the election of a successor even less desirable than the man who had been recalled demonstrated conclusively that the control and operation of the municipal government had not been removed from the damaging influence of unscrupulous factions and groups. Even the workings of the commission itself were featured by wire-pulling and political chicanery.

In the face of this evidence, the people of Wichita, led by a few spirited citizens, determined to clean house. Accordingly, during the first months of 1917, a bill was prepared and presented to the state legislature—then in session—to permit Kansas cities to adopt the city-manager plan by engrafting it upon the old commission framework. The bill became a law, and Wichita was the first city to take advantage of the provisions of the act. At a special election held on the 9th day of March, 1917, 5,551 votes were cast for and 3,473 against the adoption of the manager plan.

Since the state law is somewhat vague in its terms granting to the city manager the right to appoint department heads, a supplemental ordinance was passed giving the city manager of Wichita full and complete power to appoint and discharge department heads.

II

At the first regular election under the provisions of the new law, Mr. L. W. Clapp, a prominent citizen, was chosen commissioner with a big plurality over any one of the four other commissioners elected, and he was immediately made mayor by the commission. The first commission was made up of business men who were also leaders in the community, and well known for their success in private life.

Wichita was strongly influenced by the experience of Dayton with the city-manager plan, and this influence is reflected in the selection of a city manager. The Wichita board looked about for an engineer who could fill the position, probably because Mr. Waite was an engineer. The first regularly appointed city manager, Mr. L. R. Ash of Kansas City, Missouri, was chosen on his record as a successful construction engineer. He was employed at a salary of $10,000 a year.

The first act under the new régime was the overhauling of the city hall, which was a typical example of high ceilings and empty court chambers. It was converted into a modern office building, giving almost twice as much floor space, and allowing for a much more practical arrangement of offices.

In like manner, a reorganization of the entire city administration followed. The police system was placed in charge of a chief from an out-of-state city—an appointment that furnished food for no little "home rule" talk. But the new chief gave the city its first effective police system, and the reorganization of the police force broke up the rendezvous of the gang element and undermined the power of the former political ring.

In fact, the old political assemblage was completely replaced by a working organization in which there was comparatively little lost motion.

Careful attention was given to the subject of public improvements during the incumbency of Mr. Ash. However, the details of the engineering problems were left almost entirely with the city engineer; and Mr. Ash himself merely consulted with the engineer on the more important matters and gave detailed advice on questions giving rise to dispute and litigation.

The construction of a big storm sewer was one of the things about which the opposition created a great deal of disturbance. Bids were advertised for on the sewer improvements to be installed, but no contractor's bid came within $100,000 of the city engineer's estimate. After a failure to close a contract, the city undertook to do the construction work on a cost-plus basis. The opposition attacked the legality of the proceeding; but the city won out on the question of legality, and at the same time saved the property owners $100,000 on the project.

Business methods marked the Ash administration from beginning to end. Mr. Ash himself was an untiring worker, and he was not given to courting public favor or giving extended consideration to a question for the sole purpose of soothing someone's feelings. His was a process of firing a series of questions at a complainant, securing the desired information, and then and there handing down a decision that was final. And it may be said to his credit that his decisions were usually correct, even though he often acted hastily.

However, if Mr. Ash had been more considerate of the feelings of the public, he doubtless would have left a much more favorable impression with a great number of people who did not understand his rapid fire methods and became incensed at what was considered an uncourteous attitude on the part of a public official. The people of Wichita, like other free Americans, were accustomed to dealing with the public official who is more concerned with his tenure of office than with the business-like discharge of his public duties. Yet, as a matter of fact, the people of Wichita are learning to appreciate their business-like government, and even many former stand-patters would be loathe to exchange the new order for the old.

III

The election of the spring of 1919 gave the opposition a chance to come back. Their first plea was that Wichita should choose a home man as city manager unless one could be secured who had had several years' experience in a similar position.

The opposition contended that surely the city could find enough "guns" within her own bounds of sufficient calibre to fill any position; for even the governor of the state had been selected from Wichita.

Another claim to the effect that labor should have a representative on the commission was heard. The labor issue was probably originated by the "home rulers," but it was astutely placed in the hands of the labor organizations for nourishment.

The home rule element experienced difficulty in securing a candidate, especially a radical one, so they combined with the "laborites" and centered on one man who was designated the "labor candidate." He secured the highest number of votes, although he was not avowedly opposed to the old régime and afterwards proved himself to be a very congenial worker with the other commissioners. Mayor Clapp, who had supported the Ash administration at every turn, was given second to last place in the number of votes received in the election. Every commissioner, except one who was not a candidate, was re-elected.

The total number of votes cast in the election was small compared with the possible voting population; the small vote was largely due to the fact that the community leaders did not take the claims of the opposition seriously and were confident of an easy victory at the polls.

Upon the organization of the commission after the spring election of 1919, Mr. Clapp was re-elected mayor, and Mr. Ash was reappointed city manager.

Mr. Ash had tendered his resignation just before the election, but it was only after much urging and insistence on his part that the resignation was accepted on October 1, 1919, when Mr. Ash was finally relieved of his duties. Mr. Ash based his reason for resignation upon the ground that he could not financially afford to hold the position and give up his work in the private construction company of which he is a member.

For several months before the final resignation of Mr. Ash, the commission made every effort to secure a new city manager who was trained in the general field of municipal work. Engineering ability was not enumerated as one of the requirements for the position. After a rather lengthy search, during which the commission failed to find a suitable man at the salary offered, Mayor Clapp resigned to accept the position of city manager himself. Mr. Clapp voluntarily reduced his salary to $6,000, with the understanding that the remaining $4,000 which would have been his, be used in the employment of an assistant city manager at $3,000 a year, and in raising the salary of one of the department heads.

The new city manager is a graduate of one of our best eastern colleges. He is a man of mature years, and is experienced in matters of finance and big business. He is thoroughly versed in accounting and budget making; yet he is sufficiently liberal in training and views to appreciate the importance of every recognized field of municipal activity. He is deliberate, thorough, and well-balanced. He is accessible, genial, and courteous. Mr. Clapp has more time than his predecessor had for consideration of complaints and questions of policy; for the assistant manager, Mr. F. W. Sefton, is a master of the details connected with the operation of the office, and he is always at his post.

City Manager Clapp is a "home man" and has the direct interest of the city at heart. He is independently wealthy, and is actually assuming the responsibility of the managership chiefly for the purpose of promoting the welfare of the community.

There seems to be an understanding that Mr. Clapp will not continue as city manager indefinitely, but that as soon as some of the serious problems now confronting the city are cleared up, and a suitable successor can be found, he will give up the position.

IV

At the time of the adoption of the manager form of government in 1917, the city of Wichita was bonded in the sum of $1,400,000, and to-day its outstanding indebtedness is $1,300,000, notwithstanding an expenditure of a normal amount for public improvements, and of $200,000 for the construction of a new forum building. The tax rate has remained at the same figure of 7.8 mills since 1917, despite the general increase in operation costs. The valuation of taxable property has increased from $65,807,214 in 1917 to $88,764,934 in 1919.

The city of Wichita is confronted with some complex public-utility problems. Not a single public service is operated by the municipality. The gas situation is unsettled, and has been the source of much concern.

Five cents is still the price one pays for a street car ride in Wichita, and one also pays only five cents in a jitney or motor bus. The service of the two combined is fairly good compared with the present transportation accommodations in our American cities; yet the street railway problem is demanding more than passing consideration.

The water-works system is also coming in for its share of attention, and there is talk of a possible purchase of the water works by the city.

The publicity feature has had a very important bearing on the experience of Wichita with the city-manager plan. The administration has never, apparently, given the question of publicity the place of importance it deserves—a failing which is certainly not peculiar to the city of Wichita. It was the feeling of Mr. Ash that a great deal of noise made by the opposition would never have had a hearing if the real truth of the conduct of affairs had been known. At the same time there is no evidence that the administration made a special effort to furnish the local papers with news concerning the numerous accomplishments of the municipal government. As a result, a great deal of "hearsay" and "presumption" found space in the news columns. The general dissemination of information about the work of the city has been left almost entirely to the two daily newspapers. Evidently few chances to air the maladministration of affairs have been passed up by the reporters. The opposition certainly cannot ascribe its defeat to lack of publicity.

While the liberal policy of the papers in publishing notes on municipal affairs has served to keep up community interest at home, it has unfortunately created an erroneous impression in many quarters that the city manager experiment has been somewhat disappointing in the city of Wichita. Yet if we are to accept the audit of the substantial citizenship of the town, the experiment has proved very satisfactory.

The civic consciousness of the city of Wichita presents an unusual situation. The public has learned to think in its peculiar manner. Public thought runs at high tension, accentuated by the presence of a number of civic and commercial organizations working more or less independently. There is not, in Wichita, a central chamber of commerce, or any other one similar organization that can be said to represent the public spirit and civic body of Wichita as a whole. But the factionalism of the city is geographical rather than political. In a case involving a consequential public question, the well-directed civic and commercial agencies are wont to combine and tide the city over the emergency.

Wichita has grown rather rapidly during the past five years from a city of 53,582 in 1915 to a city of an estimated population of 70,000 in 1920. This rapid growth has been due in a large part to the oil industry. There has always been a big transient population in the city, which fluctuates according to the oil development. Nevertheless, there seems to be a sufficient number of good substantial citizens to insure the continued stability of the municipal government, and the indications are that Wichita will henceforth enjoy a period of efficient administration in its public affairs.

BEHIND THE SCENES WITH FIVE STATE BUDGETS

BY B. E. ARTHUR

A budget system may be one thing in law and quite another in practice. The budget laws of all the states we described in the August, 1919, issue. This article tells with a surprising frankness how they work. :: ::

Budget System! Rather common phrase nowadays. One sees it almost daily in the newspapers. Congressmen, governors, legislators, mayors and housewives are talking about it. Mrs. Smith operates her household on the budget system. Numerous cities are using it. Seven-eighths of the states have adopted it. Congress is figuring on it.

Among the states three general types of budgetary procedure, differing mainly in the location of initial responsibility for the budget, have been developed. These are the "executive type," when the governor is responsible for the budget proposals; the "commission type," when a board composed of administrative, or administrative and legislative, officers is responsible for the budget recommendations; and the "legislative type," when the budget proposals originate in legislative committees. Advocates of budget reform throughout the country have generally agreed that the executive type is capable of operating more effectively than the other two types and is for this reason the farthest advance in budgetary procedure. In fact, one half of the states adopting budget methods have expressed a preference for the executive type and have incorporated procedure to that end in their budget amendments and laws.

In practice, however, the executive type of budget has in nearly every state either fallen far short of what it was intended to accomplish or has reverted to one of the other types.

Impossible, you may say!

But read the following episodes based upon the actual experiences of several of those states operating under the executive type of budget.

NEW JERSEY

About ten years ago a newspaper man came to Trenton as a member of the New Jersey legislature. It was his first venture in "politics," and he liked it. As a newspaper manager he was regarded a success, but he had a sneaking notion that he might be even more of a success as governor. However, to aspire to that office he must do something to distinguish himself among his "fellow citizens." The financial reports showed that an unsatisfactory condition existed in the state which was gradually growing worse instead of better. Here was his opportunity to make a reputation; he would advocate the adoption of a budget system and other business methods. To this end he said much about regarding the governor as the state's "business manager," and proposed in 1916 a bill authorizing the governor to prepare and present the budget to the legislature. This bill was duly enacted into law.

The governor, then in office, belonged to the party in opposition to that of the sponsor of the budget law. His term of office did not expire until during the next regular session of the legislature following the one at which the budget law was enacted. In the meantime, the opportunity came to the champion of the budget system to become candidate for governor. He ran and was elected mainly upon the strength of having fathered budget reform in the state, although the scheme was yet untried.

As oftentimes happens in the best laid schemes, the budget law contained, perhaps inadvertently on the part of the author, a provision which worked practically the undoing of the whole project. The budget was to be prepared by the governor and presented to the legislature at the *beginning* of each regular session. That is, the outgoing administration was to make up the budget for the in-coming administration—the retiring governor was to prepare the budget for the new "business manager," the governor-elect. Although the old governor was without the necessary information properly to prepare the budget and did not care to perform the task in the closing days of his administration, he nevertheless did it mainly because it offered a splendid opportunity for him to concoct a pill for the opposing party and the new administration. He found certain satisfaction in showing up the much-lauded budget reform! When the governor-elect came into office he informed the legislature (in which his party was in the majority) that he objected to taking the financial prescription proposed by the retiring governor. The result was that the legislature discarded the old governor's proposals and prepared a bill authorizing expenditures in accord with the wishes of the majority party in the legislature. This bill the new governor approved. While admitting that the budget system did not work as effectively as it might have if the governor had been in agreement with the majority party of the legislature, he nevertheless regarded it as a great step forward in the state's financial procedure. Certainly the legislature could not be blamed for rejecting such recommendations as the retiring governor had made! Just wait until he had an opportunity to prepare the budget and then the people would see it work effectively!

In due season the opportunity came, but in the meantime new political aspirations had seized the attention of the "business-manager" governor. While the law required him to prepare and submit the budget to the legislature, he did not care to be solely responsible at that time for deciding several important issues in the spending program of the state. In his day dreams he saw the national capitol arise before him. He must not do anything, he must not make any financial recommendations that would keep him from realizing this dream! He must devise some means of shifting or diffusing the responsibility and at the same time of enabling him to present a budget to the legislature that would forestall any annoying criticisms on the part of that body. This was his scheme: he appointed a committee, composed of a few of the leading legislators who had served on the joint appropriations committee and who would be members of the next legislature. This committee, together with two administrative officers appointed by the legislature, sat with him in the review of the estimates and assisted him in the preparation of the budget. The budget recommendations, as submitted to the legislature, were the result of a compromise of opinions and interests. When the budget was presented to the legislature it was referred to the joint appropriations committee, the most influential members of which had concurred with the governor in the financial recommendations which it contained. Only a few changes were made in the proposed appropriations; all interests had apparently been satisfied in the making up of the budget. There was no discussion or criticism of the budget plan in the legislature. None seemed necessary; the possibility of criticism had been practically eliminated by previous agreement. The budget was adopted by the legislature as it had been proposed. Forthwith the governor proclaimed it a great triumph for the "executive budget" principle. The sequel was the early realization of his dream—a seat in one of the marble halls of the national capitol. And so "men rise on stepping stones of *budget systems* to higher things."

For New Jersey the executive type of budget has reverted to the commission type in which members, or representatives, of the legislature control the preparation of the budget. Responsibility for the budget plan is not fixed. The legislative practices and procedure remain practically the same as before the adoption of the budget law.

MARYLAND

In 1915 Maryland had a million-dollar deficit in her treasury brought about mainly through the uncontrolled action of the legislature in passing appropriation measures. A commission was appointed to study the financial situation, and after investigation recommended the adoption of a budget system. As a result of this recommendation a budgetary procedure was written into the constitution,—Maryland being the first state in the Union to make such procedure a part of its organic law. Under the provisions of this amendment the governor is required to prepare the budget and to embody his proposals for appropriations in a bill. When these documents are submitted to the legislature it must act upon the governor's bill before considering any other appropriation measures. It can only strike out or reduce items in the governor's bill, and cannot initiate appropriation measures except they are limited to a single object and carry the revenue to meet the proposed expenditure. The governor is permitted with the consent of the legislature to amend or supplement his bill after it has been submitted to that body.

How did this procedure work out? When it came to preparing the first budget the governor was in a quandary; he was without adequate information or necessary help to prepare the budget. The administrative organization was so decentralized as to place him in a position where he had practically no control over the sources of budget information. No provisions had been made for a staff or even for the employment of a single budget assistant. Fortunately, the governor was not without experience in the financial affairs of the state government, since he had been comptroller preceding his election as governor. In casting about for help to put the budget documents in shape for the legislature, he was able to engage the services of a single person who began assisting him about six weeks prior to the date set by the constitution for submitting the budget to the legislature. During this time the estimates were gathered, hearings were held, the estimate data were checked up, the budget was compiled, and the bill containing the governor's expenditure recommendations was prepared. The information upon which the budget recommendations were based was not only unsatisfactory owing to its meagerness, but in a number of instances was inaccurate and even misleading; and there was no time to check it up by field investigations. As the day drew nearer for the presentation of the budget to the legislature, there was an increasing evidence of feverish haste in the executive office. Finally, the completed documents went to the printer about forty-eight hours before they were due to be presented to the legislature. It was impossible to print them in that length of time, so the legislature rather reluctantly agreed to extend the time for submission one week. The governor heaved a sigh of relief! At the end of this extended period the budget documents were printed and submitted to the presiding officer of each house who referred them to the appropriation committees.

As in preceding years numerous requests for appropriations were filed with the appropriation committees. Many of these the committees felt should be allowed. But how were they to do it? Each item would require a special act which must carry the revenue to meet it, unless provision could be made to include it in the governor's bill. To pass a lot of small appropriation bills each imposing a fraction of a mill tax upon the property of the state would embarrass the members of the legislature. These items must be included, if possible, in the governor's bill! The committees could not increase or add new items to this bill, but the governor had the power to amend it. This offered a solution; so they confronted the governor with the matter. They told him that his estimate of the anticipated revenues was conservative and that he might easily increase his proposed expenditures.

To add to the governor's embarrassment some of the independent departments and agencies of the administration, not being satisfied with his budget allowances, went over his head and laid their complaints before the members of the appropriation committees. What could the governor do? He did not have the authority to forbid such action. As is to be expected, these departments and agencies found supporters in the legislature who demanded of the governor that he revise their budget allowances. Since he needed the political support of these members of the legislature he yielded to their demands and amended his budget recommendations by submitting two supplementary budgets to the legislature. Thereupon the legislature passed the governor's bill. It was satisfied with the bill, since he had met its demands and at the same time saved it the embarrassment of having to resort to the passage of supplementary appropriation bills which would have imposed additional taxes on the people.

But this was not all. There were a few bills appropriating for local purposes which needed to be taken care of. Again the legislature did not propose to levy special taxes for these purposes. So a ruling was secured from the attorney general to the effect that there would be no violation of the budget amendment if such appropriations were paid out of the balance in the general fund remaining in the treasury at the beginning of the period covered by the governor's budget. In this way these bills were met without the laying of special taxes. Just what expedients the legislature may use in the future in getting around this constitutional restriction remains to be seen.

But our story does not end here. Why should it? Is not the carrying into effect of a financial plan as important, if not more important, than the making of it? The money appropriated must be expended for services and supplies, and these must be made to achieve results if the budget plan is to be carried out. Undoubtedly the governor is the one individual to have supervising control over the execution of the plan. While the Maryland budget amendment requires the governor to prepare the spending plan, it does not place him in any better position than he was before the adoption of the amendment for effectively carrying out this plan. The administration is in the same chaotic condition, and administrative authority is by no means centralized in the governor. He is still merely one of a number of governors, each one directing work and making expenditures independently of the other. There is no central administrative agency to check up the results and thereby currently to gather the information needed in the preparation of the budget. In short, the expenditure procedure remains the same as before the budget system was adopted; contracts are let, purchases are made, services are employed as before without any central supervision or control.

When the governor got his budget recommendations approved by the legislature he went back to the routine work of his office as though all budget problems had been settled until the next session of the legislature came around. He concerned himself very little with expenditures outside of his own office. It was left to the comptroller's office to exercise control over the expenditures of the numerous administrative agencies by a sort of post-mortem examination. The character of services rendered, the quality of supplies procured, the results finally achieved were never taken into consideration; only the question of whether or not the expenditures had been made in accordance with the provisions of the appropriation act was considered. The governor's office made no attempt to gather information with reference to the expenditures, the revenues and the work of the various state agencies to be used in the preparation of the next budget. In fact, it was not equipped for this purpose. Furthermore, the governor did not expect to succeed himself in office; the next budget would be prepared by his successor. Why should he trouble himself to gather budget information for the next governor? If the legislature expected him continuously to bring together information to be used in preparing the budget, it should have provided him with a staff. The new governor would have thirty days after his inauguration in which to prepare the budget; he could "dig up" the information he needed during this time.

In due time the new governor was elected. Again it was fortunate for the state that a man was chosen for this office who had previously filled an important state office and who knew considerably about the financial needs of the government. Had he come up "green and untutored" from an agrarian section of the state, as sometimes happens in the choice of a governor, it would have been an absurd situation—a month in which to prepare the budget without any knowledge of the subject, without the necessary information and without the proper assistance! Of little avail under such circumstances would be the most profound knowledge of the propensities of a gray mule or the habits of a summer squash! The new governor was inaugurated the week after the legislature met in regular session. He had thirty days under the provision of the budget amendment in which to prepare the budget and present it to the legislature. Immediately he put his clerks to ransacking the executive office records, but they were found to be almost as devoid of budget information as Mother Hubbard's cupboard of canine provisions. A few estimates were coming in each day from the various spending agencies. With the meager information contained on the estimate sheets and with the help of his office force, or whatever temporary assistance he might be able to secure, he was required to prepare within thirty days the state budget covering a period of two years and involving a total expenditure of almost twenty-eight million dollars! Almost an impossible situation to be in, but he did it and did it creditably well. Under the same circumstances perhaps nine governors in ten would have failed.

Obviously, several things are needed to make the Maryland budgetary procedure work effectively. To enable the governor to prepare the budget he should have a permanent staff working under his direction and engaged in gathering budget information throughout the year. In budget making, future needs are determined largely upon the basis of past experience. The administrative organization should be changed so as to centralize executive control in the governor; without this the governor is not the real executive of the state and cannot speak to the legislature as the final authority on budget matters. As long as the state government is composed of a hundred more or less independent units and agencies, each practically free to importune the legislature for appropriations, some way will be found to grant their requests although the power to initiate appropriation bills drawing directly upon present or anticipated funds of the state treasury may be denied to the legislature. Anyhow, the legislature cannot be completely deprived of its power to determine policy; and so long as it enjoys the exercise of this power it can enact laws that will involve the expenditure of money without any direct appropriations being made. The effect is the same. What is needed is control established through responsible channels, and this control should be brought about by positive rather than by negative action.

OHIO

The Ohio budget law, enacted in 1913, requires the governor to present the budget to the legislature. The governor has a budget commissioner, employed the year around to assist him in the preparation of the budget. So far, very good, but for constitutional reasons the budget law does not prescribe any procedure to be followed by the legislature in handling the governor's budget. Naturally, the legislature employs the same procedure that it used before the adoption of the budget methods.

What happens to the governor's budget when it is submitted to the legislature and how does that body consider it? There is an appropriation committee in each house to which the governor's budget is referred when it is submitted. Besides the appropriation committees, there are two committees in each house concerned with the raising of revenues and the settling of claims. These six committees, acting independently of each other, are charged with the consideration of the complete expenditure and revenue programs of the state. Each proceeds to report out bills and to make recommendations to their respective houses without co-operation and with very little knowledge of what the others are doing.

The personnel and work of one of the appropriation committees of a recent session is interesting. It was composed of fifteen members, three of whom had been members of the committee during the preceding session of the legislature. By profession there was a veterinarian, a farmer, a florist, two lawyers, an apiarist, a merchant, a pharmacist, a real estate agent, a broker, an insurance agent, an automobile dealer, an electrician, a dentist, and a dog fancier. How eminently fitted by experience and general qualifications for the work in hand! This committee was to determine for the next fiscal period, and perhaps for many years beyond that, the expenditure policy of the state. So with a show of gravity it proceeded to the task set before it. The "horse doctor" was made chairman of the committee. He instructed the committee's clerk to inform the institutions over the state that the august body—the appropriations and finance committee of the house—was about to make its usual round of visits to determine appropriation needs. An itinerary of the junket was carefully made out, the time allotted to the inspection of each institution depending largely upon its past reputation for serving refreshments. The quality of the reception—fatted calf, Havana cigars, and good stories—usually indicated the extent to which the institutional head thought he ought to have an increase in his appropriations. Perhaps the institutional head did not care to present his claims in this manner, but he must "do as Rome does." If the committee spent two and one-half hours at an institution, it would put in two hours eating, smoking and telling yarns, and the remaining half hour looking around the plant. Thirty minutes each biennium spent in surveying the expenditure needs of a million dollar institution by a committee of such eminent qualifications! The junkets concluded, the committee returned to the capitol and held a few hearings at which certain individuals appeared who did not think they had been treated fairly by the governor in making his budget allowances. A general appropriation bill was then drafted embodying such of the governor's recommendations as the committee saw fit to include and whatever other expenditures seemed necessary as a matter of political expediency. This bill was introduced during the final week of the legislative session; it was jammed through the house without any debate and sent to the senate. Here it was referred to the senate finance committee, which looked over it with a critical eye and not finding provisions for appropriations to some of the things deemed "necessary to the welfare of the state" proceeded to amend it. The bill was reported out and passed the senate with amendments. Thereupon it was sent back to the house which refused to concur in the amendments. Something had to be done immediately, as it was the last day of the session. A conference committee was appointed and after a hasty session the bill was revised to include practically all of the claims of both appropriation committees. In this form it was accepted by both houses of the legislature just as the hands of the clock approached the hour set for final adjournment.

During the last week of the legislative session a score of bills carrying special appropriations amounting to several millions were passed by the legislature. These, together with the general appropriation bill, and a sundry claims bill were sent to the governor. Nobody knew what the total appropriations would be until the governor had approved all bills, which he did not have to do until ten days after the adjournment of the legislature. Yet the taxation committees of the two houses prepared measures designed to raise revenues to meet expenditures the total of which was unknown at the time the revenue measures were passed by the legislature.

What was the result? The budget plan of the governor was destroyed by the independent action of the six committees and the archaic and unbusinesslike procedure of the legislature. Obviously, if the bicameral system is to be continued in our state legislatures, there ought to be a joint committee of the two houses which would be charged with the consideration of both revenues and expenditure needs, and this committee ought to be composed of men who have had some experience in financial matters—who are not merely dog trainers or horse doctors. The procedure of the legislature should be such as to insure publicity in financial matters and the orderly handling of all revenue and appropriation measures. Finally, the administration ought to be so organized as to give the governor control over the agencies expending the appropriations that he may be able to carry out the budget program.

MASSACHUSETTS

The people of Massachusetts, after a hard-fought struggle for improved financial methods and procedure, adopted in 1918 a constitutional amendment providing a budgetary procedure which was designed to place squarely upon the governor the responsibility for the preparation and initiation of the budget. The administration was reorganized with a view to giving the governor fuller control over it, and the governor was furnished with a staff agency to assist him in the preparation of the budget. It seemed that everything had been provided to insure the effective working out of the budget system. That extravagant and irresponsible body—the legislature—was no longer to be in a position to squander the people's money! The governor, responsible directly to the people, would make up the budget plan and the legislature would O. K. it. Very fine; but listen how the system actually worked out.

The governor gave very little time or attention to the preparation of the financial plan. One clerk of his staff agency was responsible for all the details and most of the policies of the plan. The statement, or message, explaining the 1920 budget was not even written by the governor. He merely wrote a prefatory note of a dozen lines in which his only positive recommendation was that the state tax should not be made to exceed a certain amount. In order that it might not exceed this amount the budget carried a recommendation to divert certain funds in the state treasury, which had originally been raised by bond issues for capital purposes, to the payment of current expenses. Anything to "get by" without facing the actual situation and the inevitable increase in the state tax burden! Why? Because of the popular feelings on the subject and the effect this would have upon the political future of the governor. The confidence of the people in his administration must be retained, and the easiest way out was for him to "pass the buck" to the legislature. This he did; and for once the "discredited and extravagant" legislature arose to the occasion, for once it became the "watch dog" of the treasury. It demanded of the governor why he indorsed such budget recommendations. The story got into the newspapers and editorials were written on the budget proposals of the governor. At length the attorney-general decided that the governor's proposal to increase the state's revenue accruing to the general fund by diverting certain other funds was illegal under the provisions of the constitution. The governor was forced into the corner and compelled to submit a revision of his budget to the legislature. While this document met most of the criticisms of the legislature, it is clear that the governor did not assume leadership, but left the determination of the budget program largely in the hands of the legislature.

How to remedy such a situation, as the above, without merely enduring it to the end of the governor's term is a nice little problem for speculation on the part of the advocates of the "executive budget."

VIRGINIA

In all states the governor is known as the "chief executive," a term which implies full power and authority to control the administrative organization. But in no state is this meaning of the term true. It seems absurd to try to fix responsibility upon the governor for budget-making and for carrying out the financial program when his position is such that he cannot control the organization with which he has to do the work.

The administrative branch of the Virginia state government may be taken as an example of the decentralized and irresponsible organization over which the governor is supposed to exercise supreme executive authority. The governor is elected by the people for a term of four years. The lieutenant governor, secretary of the commonwealth, state treasurer, attorney general, superintendent of public instruction, and commissioner of agriculture are also elected for terms equal to that of the governor. They are practically co-ordinate in power with the governor since they derive their authority from the same source—the people. The auditor of public accounts is elected by a joint vote of the two houses of the legislature for a term of four years. The governor with the approval of the senate appoints a commissioner of state hospitals. Then there is the state board of education, composed of the governor, attorney general, superintendent of public instruction and three members selected by the senate every four years; the board of agriculture and immigration, consisting of one member from each congressional district appointed by the governor with the senate's approval for four years and the president of the Virginia Polytechnic Institute ex officio; the state corporation commission, composed of three members appointed by the governor with the confirmation of the joint houses of the legislature for overlapping terms of six years each; the board of directors of the state penitentiary, etc., consisting of five members appointed by the governor with the senate's approval for overlapping terms of five years each; a board of directors for *each* state hospital made up of three members appointed by the governor with the approval of the senate for overlapping terms of six years; and a general board of directors composed of all of the hospital boards of directors which appoints a superintendent of each hospital. All of the foregoing officers and boards are provided for in the state constitution. Then there are almost a hundred statutory offices, boards, commissions, departments, bureaus and other agencies. The controlling officers of these are in only a few cases wholly responsible to the governor either for their appointment to office or for the conduct of their work. The governor has only a very limited power to remove administrative officers. Not only are the administrative agencies widely scattered, but the main functions of government are not co-ördinated. There is much duplication of effort and overlapping of work.

Recently a committee on economy and efficiency was appointed and made a survey of the state government. It reported "general disability" of the government due to chaotic administrative organization, decentralized accounting methods, existence of fee system, and lack of civil service and centralized purchasing. Then it recommended the adoption of a budget system as the remedy. The plan it proposed, in which the governor would be responsible for preparing and submitting the budget to the legislature, was adopted. No definite move has since been made to reorganize the government. Apparently an executive budget system is expected to work under such conditions as now exist in Virginia! Even if the governor were placed in a position to control such a ramshackle administration, he would not be able to secure anything like the proper service from its operation. The working of such a governmental machine will defeat the purposes of any system of budget control no matter how well it may have been devised.

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What are the general conclusions? An effective budgetary procedure does not result automatically from the mere passage of a law or a constitutional amendment providing for the establishment of such procedure. It is a process depending for its success upon the organization, relationship, personnel and practices of the different units and branches of government. An efficient state budget system cannot be developed in a month or a year, but it is a matter of evolutionary changes in governmental organization, habits and methods. Such a system requires that the state administration be reorganized so as to centralize executive authority and responsibility in the governor; that the committee organization and the procedure of the legislature be changed so as to provide for open consideration and criticism of the budget plan as a whole; and that modern business methods and practices be adopted in the purchase of services and supplies and in the audit and control of expenditures.

HE EXPULSION OF THE SOCIALIST ASSEMBLYMEN AT ALBANY

BY H. W. DODDS

Secretary, National Municipal League

Our new secretary happens to be the leading American authority on legislative procedure. :: :: :: :: :: :: ::

REPRESENTATIVE GOVERNMENT AT ALBANY

It is commonly accepted that violence settles nothing and that the progress of a man has been marked by the substitution of reason for force. Accordingly the development of the state supplanted self-help and private vengeance with a political and judicial machinery for settling civil difficulties. Traces of the ancient blood-feud survive only in modern lynch law, which meets general disapproval. The prime function of early government was to keep the peace and methods were secondary. Clearly at that period government was the dictatorship of a minority. Developing political instincts, however, have given us representative government on a democratic basis. It is true that some deny the democratic nature of modern government, insisting that what we have in fact is a dictatorship of capitalists. To this they would oppose the dictatorship of the proletariat, a return to force and lynch law, to the dictatorship of a minority. But there are other ways of exercising force than by naked violence. All coercion is not physical. For example, those in control of government for the time being, may use the instruments of government as veiled force to serve their own ends. Take the case of John Wilkes. Here was an effort to meet an issue by force.

THE FAMOUS CASE OF JOHN WILKES

George III was determined in his narrow-minded way to exalt the kingly office. By threats, patronage and manipulation of elections he was enabled to subdue Parliament. The subservience of Parliament caused wide discontent and some riots, and the king's ministers therefore began to assert the supremacy of Parliament against the nation. But the newspaper was coming into influence and the rising press became the court of appeal from a usurping Parliament. John Wilkes, although a member of the House of Commons, made his paper a leader in violent attacks on the secrecy of the proceedings of Parliament. He stoutly maintained the responsibility of members to the country and the right of a free press to publish and criticize their actions. For this he was thrown into jail in 1763 on the charge of seditious libel of the king's ministers, but he was released under the immunity of a member of Parliament. That body, however, under the spur of the king's vengeance, branded Wilkes guilty of seditious libel and denied that the privileges of members extended to this offense. Ordered to appear before the House, he fled to Paris, whereupon the House expelled him.

The popular resentment was great and "Wilkes and Liberty" became the cry. Five years later he returned and was elected again to Parliament. Upon the demand of the king he was again expelled on the old charge. It cannot be doubted that the House of Commons had the legal power to expel members for offense, but seditious libel was a charge cognizable by courts of law. Accordingly the people believed that Wilkes should have been tried by the courts and if guilty punished, but that the action of the House denied him fair trial and was therefore unjust and oppressive. So Wilkes was again elected and again expelled. Declared incapable of being elected, he was immediately elected for the fourth time and had now become the people's idol. Under such great pressure Parliament was compelled to yield to the right of popular criticism. Wilkes was again elected to the House in 1774 and was admitted. In 1782 the House declared void his earlier expulsion as being "subversive of the rights of the whole body of electors." To this day the resolution of 1782 stands as a warning against abuse of power by a vindictive body, and the precedent is well established in England that conviction for crime in the courts must precede expulsion by the House on criminal charges. Naturally enough, Wilkes, never an able man, being no longer a martyr, dropped into obscurity, but Parliament's trial of force had failed, and republican government emerged from the conflict.

JANUARY 7 AT ALBANY

A "trial" has been concluded in Albany which will test severely American theories of representative government, and the outcome cannot help but have a definite bearing upon our ability to work out present problems by political means. On January seventh, after the house had been organized and the officers elected, the speaker of the New York Assembly suddenly and without warning ordered the sergeant-at-arms to conduct the five Socialist members to the bar of the assembly. The speaker then read an address in which he charged them with belonging to a party disloyal to our government and having been elected on a "platform that is absolutely inimical to the best interests of the state of New York and of the United States." The men were then allowed to return to their seats, whereupon the majority floor leader introduced a resolution, couched in strong language, asserting that by their membership in the Socialist party of America they had opposed the organized government of the United States, and asking that the matter of their exclusion from the Assembly be referred to the judiciary committee thereafter to be appointed by the speaker. The resolution was accepted as privileged and at once adopted without opportunity for debate. Members who voted in the affirmative criticized later the precipitous procedure which did not permit them to acquaint themselves with the circumstances. After the passage of the resolution the speaker ordered the sergeant-at-arms to conduct the five members out of the Assembly. To them the ceremony was unnecessarily humiliating and was obviously designed to impress all present with their guilt.

THE TRIAL BEFORE THE COMMITTEE

At the beginning of the hearings the chairman of the judiciary committee announced that the defendants would be given a fair trial under the rules of the supreme court of New York. Counsel made clear, however, that in the opinion of the committee the five assemblymen were there "as a matter of grace." "These gentlemen," he stated, "are entitled to no representation, and this committee itself could go ahead in secret and take testimony and report to the House and upon that report expulsion could be had and no one could complain." "There is no court," he continued, "that can question the Assembly's power or criticize its motives. For the defense to complain that their case was being tried by a committee appointed by the speaker who had instituted the proceedings, that the committee was acting as accuser, judge, and jury, and that the trial could not be fair because of the previously expressed bias of the chairman and committee, was to deny the inherent power of the legislature to pass on the qualifications and eligibility of members." In other words the orderly, due process of law by which guilt and liability are usually determined is not binding upon the legislature. Historic, time honored principles of Anglo-Saxon fairness may be disregarded with immunity.

The trial reached its end in March. Some arbitrary rulings on procedure were made by the chairman and much testimony admitted on the subject of socialism, bolshevism, religion, the family, private property, et cetera, which would have been ruled out in a court as hearsay, irrelevant and incompetent. Pleadings were never really joined. The defense was denied the right to make certain admissions in order to narrow the issues; and the obvious conclusion must be that the purpose of the committee was to leave open to witnesses the wide fields of religion, politics and economics in an effort to arouse popular indignation against the doctrine of the socialist members. The original resolution of the Assembly as well as the charges prepared by the committee as the basis of action were general and indefinite and not accompanied by specifications such as would enable the defense to prepare an answer. It was generally understood around the capitol that this was a drive on socialism which was good politics at present and it was in this atmosphere that all discussions about the church, the family, property, were carried on.

At the end of March, just late enough so that there could not be a new election to fill the vacancies, the committee reported in favor of expulsion and despite a vigorous opposition, led by young Theodore Roosevelt and others, the five Socialists were expelled by a large bi-partisan majority. By waiting until this date the question contingent upon the re-election of the same men was avoided.

THE LEGALITY OF IT

Regarding the legal competence of the legislature, the committee was absolutely right. The power to judge of the eligibility of members is a legislative privilege the exercise of which no court will review, no matter how arbitrary or unjust the action. As far as legal responsibility is concerned the committee could conduct their proceedings in secret under any rules of their choosing. Yet the recent hearings, biased as they were, were a great improvement over the methods followed in contested election cases in some of the trials of qualifications of members of congress. In these matters of prerogative the legislative bodies are a law unto themselves. The principle is that the legislature in the exercise of its necessary functions must be free from control by any outside department of government. It is responsible to the people alone. It is not strange that a soverign body should occasionally become arrogant in the use of summary power and deny the binding force of due process in judicial proceedings, but the courts have consistently refused to share in the decision of questions of privilege. Historically this is a very ancient doctrine. In the early days the House of Commons maintained its dignity with difficulty. The king tried to keep it a mere ratifying body and to this end his ministers and judges sought to determine the discussions and membership of the House. Privileges such as freedom of speech in Parliament and uncontrolled election of members came only after hard fights. Against the royal prerogative was levied the "Ancient Privilege of the Commons." It was a real victory for representative government when Parliament proclaimed that the judges of James I could not exclude Sir Francis Goodwin, having been regularly elected. It is one of the curious developments of history that a principle employed to protect the representatives of the people against coercion and intimidation by an autocratic power should to-day remove them from all legal liability in contesting the expressed will of the voters.

But is it not possible that this power of legislative self protection in the hands of a majority may be turned against the very fundamentals of representative government? Inflated with a sense of power, the majority may use its legal prerogative to eliminate an unwelcome minority. This is one method of "direct action." James I had the idea. "None," he said, "shall presume henceforth to meddle with anything concerning our government or deep matters of state." And surely his Lord keeper could not have been thinking of the speaker of the New York assembly when he addressed Parliament: "His Majesty's pleasure is that if you perceive any idle heads that will not strike to hazard their own estates, which will meddle with reforming the church and transforming the commonwealth and do exhibit any bills to such purpose, that you receive them not until they be viewed and considered by those who it is fitter should consider of such things and can better judge of them."

TRYING THE SOCIALIST PARTY

In accordance with the expressed purpose of the judiciary committee, the doctrines of socialism have been given a thorough airing. Although the complaint charged that the Socialist party was a conspiracy to overthrow our government, counsel for the Assembly specifically repudiated the theory that it was incumbent upon a legislative body to await the judgment of the criminal courts before action on its part. For this there is good precedent in congress. The resolution which instituted the proceedings recounts that the Socialist party of America has declared its solidarity with the Soviets of Russia and is thereby pledged to the forcible overthrow of all organized governments now existing; and that members of the party agree to be guided by its constitution and platform and when elected to public office are liable to expulsion for failure to carry out the instruction of the dues paying party organization given by an executive committee made up in whole or in part of aliens. The resolution further accuses the party of disloyalty in the war and inaccurately concludes that as an organization it was convicted of violation of the espionage act. It was, therefore, resolved that members of this party be denied seats in the Assembly pending investigation. In opening the hearings before the judiciary committee, the chairman somewhat amplified these charges. "The Socialist party," he said, "proposes to substitute minority for majority rule by force if necessary. The five members in question personally opposed the successful conduct of the war and gave aid and comfort to the enemy." They are accused also of being engaged with others in a conspiracy "to subvert the due administration of law and to destroy the right to hold and own property honestly acquired, to weaken the family tie which they count is the seed of capitalism, to destroy the influence of the church and to overturn the whole fabric of a constitutional form of government." The catalog is nothing if not complete. Some of the counts could be made the basis of criminal charges. The others were considered relevant because in excluding persons as lacking the qualifications of members it is not necessary to prove criminal conduct. The specific statements of counsel for the committee, as well as the nature of the testimony, reveal that the investigation was intended to touch upon the loyalty of the Socialist party to our form of government and their purpose to overthrow it by parliamentary means if not by violence. The real issue at Albany was whether members of a party which avows a purpose to do all in its power by lawful means to bring about a fundamental change in our economic order are to be disqualified from membership in American representative assemblies. If this question be decided in the negative, the accepted American tradition, that the proper place to attack undesirable party principles is at the polls and that the decision of the ballot shall be final, is destroyed.

THE CONDITION OF SOCIALISM IN AMERICA

It is only natural that many people should be intensely suspicious of the present Socialist party. Its members have passed resolutions and made statements which have been considered inflammatory and seditious. Although the leaders may have in mind a program of evolution, there has been considerable talk about "revolution" and "mass action," and some talk about "bullets." The customary phraseology of so-called scientific socialism, familiar to all students of the subject, suggests the Terror to many normal citizens. For the popular confusion between the program of evolutionary socialism and that offered by the disciples of violence and terror, the leaders of the present Socialist party are much to blame. Sound political judgment would have served them better.

It is generally understood that the present Socialist party is more radical than it was before the war. Following the adoption of the anti-war resolution at the convention in St. Louis, in 1917, the party was deserted by a number of influential names, leaving control to what had formerly been the left wing. This resolution proclaimed the party's "unalterable opposition to the war just declared by the government of the United States," and called upon "the workers of all countries to refuse support to their governments in their wars." The next convention of the party was not held until August, 1919, at which time the pro-war Socialists were read out of the party. "We unreservedly reject," reads the manifesto of 1919, "the policy of those Socialists who supported their belligerent capitalist governments on the plea of 'national defense' and who entered into demoralizing compacts for so-called civil peace with the exploiters of labor during the war and continued a political alliance with them after the war." The party on this occasion repudiated the recent Berne conference, at which the moderates tried to revive the Second International, and called for a reconstituted international open to the Communists of Russia and Germany but closed to those who had co-operated with bourgeois parties during the war. The minority report of the committee on international relations recommended that the Socialist party join the Third (Moscow) International which met in March, 1919, under the auspices of the Russian Communist party.

The matter of the American party's allegiance to the Third International at present awaits the referendum vote of the rank and file. To date it has not joined the Third International, although the Assembly committee claimed that by expressing solidarity with the Russian Soviet Republic they had in fact ratified the manifesto of the Third International. Beyond a doubt in the mind of the writer, the Socialist party spiritually inclines to the principles enunciated by the Moscow International, which repudiated the "narrow-mindedness, opportunism and revolutionary impotence" of those moderate leaders who are trying to reconstruct international socialism along pre-war lines. Many orthodox Socialists believe that the Third International renounced parliamentary activity although this is denied by some present officials of the party. Its manifesto, however, did introduce a new term, namely the dictatorship of the proletariat. The proletarian state, it asserts, is like every state an organ of suppression but after the opposition of the bourgeoisie is broken, it is gradually absorbed into the working groups; the proletarian dictatorship then disappears and finally the state dies and there is no more class distinction. This is the philosophy of syndicalism and the American socialism of to-day has been strongly influenced by it. The leaders seem to accept the general strike as a political weapon, but it is doubtful if a single person of influence in the party approves the more violent methods of syndicalism or accepts other means than political action.

THE LEFT

But there are parties in the United States which do advocate violence and bloody war. American socialism has recently undergone a schism with the result that two groups have broken off from the parent party and have formed the Communist party, composed largely of the seven Slavic federations which had helped to make up the older party, and the Communist Labor party respectively. These last two hold frankly to an ultra-revolutionary platform including the dictatorship of the proletariat. They also eagerly accepted the pronouncements of the Moscow International. The platforms of both assert that the class struggle is essentially a political struggle, but ultimate hope seems to rest in the "mass strike," the use of parliamentarism being "only of secondary importance."

Yet when all is said and done there remains a fundamental difference between the Socialists and the Communists. The Socialist party yet accepts parliamentary action as the effective and desirable means of waging the class struggle, while the Communists have repudiated political methods in favor of the dictatorship of the proletariat. In the number of dues paying members, the two Communist parties exceed the Socialist party; and it must be clear to all that if the elected representatives of the latter are denied seats in our legislatures, the Socialists will desert to the Communists who are bent upon duplicating in the United States recent Russian experience. The New York Assembly, in company with large groups of citizens, has confused the programs of the two parties.

CAN THE LEGISLATURE EXCLUDE ALL SOCIALISTS?

It is still a matter of debate whether a representative body in judging of the eligibility of members can impose qualifications in addition to those appearing in the constitution. The federal constitution reads: "Each House shall be the judge of the elections, returns and qualifications of its own members," and "Each House may . . . with the concurrence of two-thirds expel a member." Similar provisions occur in most state constitutions although the New York constitution omits mention of the power to expel. Under the doctrine of inherent powers this is a prerogative to be exercised by a simple majority. In the lower house of congress well established precedent holds that a member once admitted to a seat cannot be expelled unless for misconduct subsequent to his election or for offenses which did not become known until after his election. This is the power of self protection which would be normally applied when a member is guilty of continued contempt or physical obstruction of proceedings. A person's pre-election qualifications to a seat in congress must be questioned, if at all, before the member is sworn in, and on this question a simple majority has power to act. On the other hand, so distinguished a lawyer as Senator Knox argued forcefully before the senate in the Smoot case that a legislative body had no power at all to add to the constitutional qualification of members but that expulsion by two-thirds vote could occur for any cause which affects a member as such. The two-thirds vote he compared to the unanimous decision required in jury trials, the purpose of both being to throw adequate protection about the accused. This was the theory followed by the senate in 1862 in the famous case of Benjamin Stark, senator-elect from Oregon, whose loyalty to the Union was in doubt. Stark, however, having been admitted to the senate, the motion to expel him failed.

Throughout the Civil War and reconstruction period, the power of congress to exclude regularly elected members on grounds of disloyalty was debated at great length. Numerous representatives from the border states whose loyalty to the north was in doubt appeared for admission. In the Stark case, Senator Harris of New York reported for the judiciary committee as follows: "I do not understand that it is competent for the senate . . . to attempt to punish a man for crime or misbehavior antecedent to his election. If this were so the constitution ought to be amended so as to read that the legislature of a state . . . shall elect . . . a senator subject to the advice and consent of the senate." During this period the majority in congress believed more or less firmly that loyalty to the Union was a qualification for membership in addition to age, residence and citizenship as required by the constitution. The test oath act was passed in 1862 and subsequent action was based on it. However, it appears from the debates that the legality of extra-constitutional qualification was always in doubt and that this was one reason for the third section of the fourteenth amendment. One purpose was to keep out the southern Democrats, and congress did not feel that the doctrine of inherent powers was equal to the task. Furthermore, the cases of members excluded for disloyalty to the Union did not exceed half a dozen. The established doctrine was that unless it could be shown that the member had given aid to the rebellion by overt acts he could not be denied his seat. Of course, numerous members from southern states who engaged in active warfare against the Union or committed open acts of hostility to the government were expelled. The senate refused, however, to expel Senator Powell of Kentucky, who had publicly urged neutrality for his state and had commended the governor for refusal to furnish troops to the north.

Congress has claimed the right to exclude persons guilty of crime, notably the crimes of bribery and polygamy. The crime must be one, however, which affects a person's capacity to act as a member. Members have also been expelled for bribery, the evidence of which came to light after the oath was administered, but it has been usual for the guilty person to resign and thus end proceedings against him. The recent Berger case involved criminal conviction for disloyalty.

THE TWO MAIN CHARGES

Disregarding certain trivial accusations in the brief against the five Socialists as irrelevant, the material charges in conformity with American precedent exemplified in congressional practice may be boiled down to two. Were the suspended members guilty of disloyalty to the United States or were they guilty of crime, namely of conspiring to overthrow the government by force? It would seem as if the criminal law is adequate to dispose of both charges and that a legislature should not undertake to punish a group or party which cannot be shown to be a criminal conspiracy. The Socialist party falls short of this. Failing to show that the accused are guilty of crime, personal disloyalty must be proved against them; it will not do to accuse a whole party of disloyalty if the members cannot be reached under the espionage law. True, congress during the Civil War held that disloyalty sufficient to disqualify for membership in that body might fall short of treason, yet it must be overt and open and have given aid and comfort to the enemy. And this power to exclude was only claimed at a time of armed rebellion in the midst of actual hostilities. As a mere matter of precedent the action of congress in 1862 cannot be stretched to cover the brief of the judiciary committee of the New York Assembly. That the leading members are not sure of their ground if the accused were tried in the courts is indicated by their repudiation throughout the hearings of the plan to bring criminal charges against them.

ETHICS—OR LAW?

It is the belief of the present writer that the mere legal irresponsibility of the legislature in matters of privilege in no sense destroys its high moral and political responsibility. Representative government is at bottom a question of ethics and as an institution must be shot through with the spirit of common counsel. This involves the recognition of small and at times personally offensive minorities. In their zeal to scourge heretics, legislatures must remember that democracy is a continual concession to heresy. The fact that the legislature in determining the qualification of members is not subject to judicial review does not mean that it is uncontrolled. In determining the rights of members and of constituencies it must adhere to the great and leading principles of judicial fairness; the spirit and intent of the constitution is binding on the legislature as on any department of government. Especially must this be observed since the same body must usually act as both judge and jury. And a distinguished constitutional lawyer has noted that the abuses of power by Parliament in this connection marked the worst period of its dependence and corruption.

The early precedents permitting an elected body to take issue with the honest will of the electors grew up before the representative nature of Parliament was established. Members of Parliament looked upon themselves as officers of government, as they yet possess legally the plenitude of sovereignty. Strict legal theory in England has never accepted the doctrine that power emanates from the people. There the privilege of electing representatives was a conceded and not an inherent right. The prerogatives of members, therefore, gave them rights against their constituents, as well as against the crown. A member *persona non grata* to the majority might be expelled, which was quite consistent with the close corporation conception of Parliament. Indeed on this ground some members of congress in 1867 favored the expulsion of certain others who, although their loyalty could not be impugned, had opposed the administration during the Civil War. But neither congress nor a state assembly is a club or debating society to pass on the eligibility of members. Burke condemned this tendency in the English Parliament: "If the habit prevails of going beyond the law and superseding the judicature, of carrying offenses real or supposed into legislative bodies who shall establish themselves into courts of criminal equity, all the evils of the Star Chamber are revived." Criminal equity he describes as a monster in jurisprudence and consists in a liberal construction in determining offenses and a discretionary power in punishing them. "The true end and purpose of that House of Parliament which entertains such a jurisdiction will be destroyed by it."

As pointed out by counsel for the Socialists, under the wide jurisdiction claimed as a matter of right by the New York assembly, a strong and determined minority could take advantage of their momentary control of the house when some of the majority were at dinner or out playing poker and upon some fancied charge expel sufficient of the majority to place the minority in command.

But more serious implications have been discovered by Father Ryan, a sturdy opponent of socialism. "I see quite clearly," he writes, "that if the five Socialist representatives are expelled from the New York Assembly on the ground that they belong to and avow loyalty to an organization which the autocratic majority regards as 'inimical to the best interests of the state of New York,' a bigoted majority, in, say, the legislature of Georgia, may use the action as a precedent to keep out of that body regularly elected members who belong to the Catholic church." Religious intolerance survives, and the Jesuit doctrine that the civil power is only the secular arm of the church or the syllabus of errors, issued by the Pope in 1864, forbidding anyone to argue that civil law ought to prevail in a contest between church and state, the publication of most of which was forbidden in France, might still provide the occasion for summoning the aid of the state in opposition to a minority religion. Even the senate committee which reported on Smoot's right to his seat held that his membership in a religious hierarchy that united church and state contrary to the spirit of the constitution was a reason for vacating his seat.

CONCLUSIONS

Our beloved institutions of representative government will not stand tampering with. The alternative to-day is pure republican government or violence. As shown above, best American precedent permits of no qualifications for membership in a representative body in addition to those stipulated by the constitution, except the tests of loyalty or freedom from crime. During the turbulent days of the Civil War, even this power was in doubt and congress refused to exclude regularly elected members unless their disloyal acts had been overt and open. Mere sympathy with the rebellion or want of active support of the government were not sufficient. In the words of a congressional committee of 1867: "We believe that in our government the right of representation is so sacred that no man who has been duly elected by the legal voters should be refused a seat on grounds of personal disloyalty unless it has been proved that he has been guilty of such open acts of disloyalty that he cannot honestly and truly take the oath." If this is good American doctrine, what about the rights of representatives elected by a party which is but vaguely charged as disloyal? During the hearings before the judiciary committee, Assemblyman Evans, a Democratic member who had campaigned against the Socialists in their home districts, read into the record a dissenting statement which contains some good politics, "The duty and power to disqualify for elective office rests with the people and not with the Assembly. To maintain our form of government we must rely absolutely on the electorate—the majority of the electorate—to send to the assembly men who from our viewpoint are loyal and clean, and we must trust that the majority of the electorate will never fail in this respect. If in that respect the majority of the electorate ever fail, then our government must fail. There is no other alternative." As our president, Mr. Charles E. Hughes, wrote Speaker Sweet, "Is it not clear that the government cannot be saved at the cost of its own principles?"

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Proportional Representation in Canada and Ireland.—The cities of Vancouver and Victoria, British Columbia, have both voted to adopt the Hare system of proportional representation for the election of their councils. Vancouver, which has a population of about 100,000, is now the largest city on the continent to use the proportional system.

The movement for proportional representation is growing in several of the provinces of Canada. In Manitoba it is to be urged for the election of the members of the provincial parliament from Winnipeg. In Alberta Premier Stewart recently said: "You are asking for proportional representation. Before the next election you will have it." In Saskatchewan the speech from the throne indicated that the government would soon introduce a bill providing proportional representation for urban municipal elections.

On January 15 the Hare system of proportional representation was used for the first time generally for Irish local elections, no less than 127 Irish municipalities electing their councils or other "authorities" by the Hare system on that day. Before that time only one Irish city, Sligo, had used the new system.

It seems surprising that any election system whatever could give satisfaction to all parties in Ireland at the present time. Yet apparently the Hare system did just that, as is indicated by passages from newspapers representing the Unionist, the Sinn Fein, and the Nationalist parties.

The Hare system of proportional representation is prescribed in the new home rule bill for Ireland, the text of which was made public in England on February 28. The bill prescribes two parliaments, one for southern Ireland, the other for northern Ireland. Under the scheme of districting provided, the number of members elected proportionally from each district is from three to eight. After either parliament has been in existence for three years, it is to have power, according to the bill, to change the system if it desires to do so.

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New York Adopts Housing Relief Measures.—Under the spur of public opinion and an emergency message from Governor Smith, the New York legislature has passed a series of eleven laws designed to relieve the housing situation in first-class cities and Westchester county. These measures, which have been approved by the governor, are as follows:

1. Burden of proof that a tenant is objectionable when summary eviction is sought on that ground is shifted to the landlord.

2. Amendment of the so-called Ottinger law so as to provide that where an agreement between landlord and tenant does not specifically mention the duration of the tenancy this shall continue until October 1 following occupancy.

3. Thirty days' notice instead of twenty by tenants intending to move is required where there is a monthly tenancy agreement.

4. In holdover cases, after there has been default in the payment of taxes or assessments, a tenant may remain, providing he deposits the amount of his rent with the judge or clerk of the court through which an eviction warrant has been served.

5. Where a precept is returnable the court may determine the amount of rent due and render judgment for that amount.

6. Where a landlord has increased his rent more than 25 per cent over what it was in the previous year the tenant may set up as a defense to action for payment of rent that it is "unreasonable, unconscionable, unjust and oppressive," but the landlord may recover a "reasonable" amount of rent.

7. Section 230 of the real estate law, under which a landlord may recover double penalty from a tenant holding over without his consent, is repealed.

8. A tenant may make application for a stay up to nine months and the judge in his discretion grant it, provided the tenant deposits the amount of his rent and proves to the satisfaction of the court that he has diligently sought to secure suitable premises for himself and family and has failed through no fault of his own.

9. Practice is prescribed and the provisions of the code in summary proceedings harmonized with the new provisions embodied in the relief bills.

10. The penal law is amended by making it a misdemeanor, punishable by a fine of $1,000 or one year's imprisonment, or both, for a landlord to deny to a tenant the privilege of "natural and normal service," such as heat, water and operation of elevator.

11. The same defense is prescribed in actions for ejectment in the supreme court as has been prescribed for summary proceedings in the municipal courts in rent eviction cases.

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Home-Rule Decision by Ohio Supreme Court.—In a mandamus suit brought against the commission of publicity and efficiency by the law director of Toledo, the supreme court of the state, in a unanimous opinion, decided that the state legislature has no control over the purpose for which bonds of a municipality may be issued, and that they may only limit the total amount of indebtedness a city may incur. The opinion resulted from a test suit to determine the city's right to issue bonds against its general credit for the purchase of the street railway system.

While the full text of the decision has not yet been given out, a statement was issued by Chief Justice Nichols giving the gist of the decision. This statement was as follows:

> The primary question is whether a municipality, under the constitution and laws of the state, may incur debts through the issuance of bonds or otherwise for the purpose of acquiring a public utility.
>
> By the provisions of section 4 of article 18 of the constitution as amended in 1912, authority is conferred upon any municipality of the state to acquire any public utility the product or service of which is to be supplied to the municipality or its inhabitants.
>
> The provisions of section 51 of article 18 authorizes any municipality which desires to raise money for such purpose to issue mortgage bonds therefor, and it may issue such bonds beyond the general limit of bonded indebtedness prescribed by law, provided such mortgage bonds issued beyond such general limit of bonded indebtedness shall not impose a liability upon the municipality, but shall be secured only upon the property and revenues of such public utility.
>
> The legislature under authority of section 13 of article 18 may pass upon laws to limit the power of municipalities to levy taxes and secure debts, but it cannot thereby deny the right of a municipality to issue bonds for the proposed purpose, that being expressly authorized by constitutional provisions.
>
> Municipalities of the state are empowered by constitutional provisions to acquire any public utility the product or service of which is to be supplied to the municipality or its inhabitants, and they may issue bonds to raise money for such purpose, pledging the general credit of the municipality to their payment within the limitations prescribed by the legislature as to amount of indebtedness for local purposes. No legislative grant of power is essential. The issuance of such bonds may be limited or restricted by legislative act, not as to the purpose, but only as to the amount of indebtedness the municipality may incur.

The decision of the court harmonizes with the intent of the framers of Ohio's constitution in empowering municipalities to acquire, construct, or operate public utilities; but it goes even further than that, and holds that a city may issue general credit bonds for any purpose so long as the total indebtedness is kept within the limit prescribed by the legislature.

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Constitutional Revision in New Hampshire.—The recent New Hampshire convention to revise the constitution proved a very conservative body, adopting no measures of radical tendencies, and proposing altogether only seven amendments to the present constitution. These provide (1) authority for the legislature to impose a classified, graduated, and progressive income tax; (2) for removing the present constitutional limitation that no pension shall be granted for more than one year at a time; (3) for strengthening the progressive feature of the present inheritance tax, about which there has been some question; (4) for repealing the present constitutional provision allowing conscientious objectors exemption from military duty; (5) for empowering the governor to veto individual items in appropriation bills, but subjecting such action to the same review of the legislature as in the case of other gubernatorial vetoes; (6) for eliminating the words "rightly grounded on evangelical principles" and "Protestant" from Article VI of the bill of rights providing for the encouragement of public worship of the deity and the right of electing religious teachers; and (7) for a reduction in the membership of the House of Representatives.

The last is regarded generally as the important resolution of the whole seven. The House of Representatives at present has a minimum and a maximum membership of 300 and 325 respectively. If this amendment is adopted the legislature in 1921 shall make a new apportionment, following the town system as at present, but based upon the average number of ballots cast for presidential electors at the two preceding elections. The present representatives of the large towns and cities will be reduced by the provision that three times the number of electors shall be required to give a town or ward a second or third representative as was required for the first. The representation of the smaller towns will, however, be affected almost as much since more towns are to be placed in the classified list. Classified towns are those having less than 600 population, and each is represented in the legislature the proportionate part of time which its population bears to 600. The purpose underlying the proposal to base representation upon actual voters is to stimulate the cities to greater effort to naturalize and Americanize the foreign population.

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Omaha Acquires Municipal Gas Plant.—Omaha, Nebraska, with a population of about 200,000, is the largest municipality in the United States to try municipal ownership of the gas plant. The question has been under consideration since November, 1907, when a special election was called to submit to the public the question of voting bonds in the amount of $3,500,000. It was defeated, but again in May, 1918, the proposition of acquiring the gas plant by the exercise of eminent domain through a condemnation court was carried. The city of Omaha and the company had appraisals made which were submitted to the condemnation court. In four separate appraisals the values placed upon the property were $3,760,000, $6,281,000, $5,518,000, and $5,570,000. The first of these was made by the city's appraisers; the other three by appraisers representing the company. These figures represent the depreciated values of the property and include going value.

Early in February, 1920, the condemnation court rendered a decision awarding the gas company $4,500,000 as the value of the property, and on March 20, the city commissioners voted to take over the gas works and its operation at this price. The city commissioners also voted $1,000,000 as working capital for improvements and extensions.

The gas plant will be operated by the municipality under a bi-partisan board of directors with a manager in charge of the property. The same board that now operates the municipal water plant will operate the gas plant. It is anticipated that under the city management the rates will not be increased as has been recently the case with many privately owned and operated gas plants.

This step in municipal ownership is significant in the light of the fact that Omaha already owns and operates its water plant and ice plant.

◆

Proposed Remedies for the Dearth of Jurors.—The committee on courts of the City Club of New York has made a study of the difficulty of obtaining well-qualified jurors in New York county—a difficulty experienced in many places—and has prepared a series of remedial bills which have been approved by the trustees of the club and introduced in the legislature.

These measures may be briefly summarized thus:

(1) Abolishing jury duty exemptions of special jurors.

(2) Abolishing exemptions from duty of election officers.

(3) Abolishing the exemptions from jury duty of clergymen, veterinary surgeons, sheriff's jurors, and volunteer firemen, and reducing the exemptions of members of the National Guard to five years after honorable discharge.

(4) Reducing the period of yearly residence required in New York county to qualify as jurors.

◆

Kansas City Considers "Detroit Plan" of "Ribbon" Wards.—With the avowed purpose of destroying boss domination in Kansas City, Missouri, former Mayor Henry M. Beardsley has proposed the adoption of the "Detroit plan" of ribbon wards, under which the city would be divided into a number of wards (sixteen, as at present) running with substantially parallel lines from the north to the south boundary lines, and containing as nearly as may be the same voting population in each ward.

It is not presumed that a mere change of ward boundaries will correct political evils; but changes can be made that will be exceedingly helpful toward that end. The proposed plan, it is claimed, is of such a kind, because it would break up the wards in which the political machine has been able most securely to develop an organization for controlling elections through fraudulent registration and irregular conduct in receiving and counting the ballots. Under existing law, residents of any ward may serve as election officers in another precinct in the same ward, so that by cutting the wards in long strips, each to include a part of the better residential district as well as a part of the business section, a better choice of election officers would be possible for all the precincts of every ward.

This plan is to be submitted to every civic organization in the city for its approval, and finally submitted to candidates for council for their approval or rejection. It has received the endorsement of the Citizen's League.

II. JUDICIAL DECISIONS

Gas Rates.—In the case of the *Southwestern Gas and Electric Company* v. *City of Shreveport*[1] the Circuit Court of Appeals held that the city was not estopped from maintaining a suit to enjoin the charging of increased rates by the gas company, even though it took no action upon learning of the intended increase, but waited until the increased rates had been put into effect. The court held also that where a company held two franchises, one acquired by assignment, it is bound to charge no more than the lowest maximum rate provided in either franchise.

Another interesting gas rate case is that of *Selkirk* v. *Sioux City Gas & Electric Company*,[2] wherein the supreme court of Iowa decided that under a state law, empowering a city to regulate gas rates, Sioux City had a right to pass an ordinance fixing such rates and repealing all ordinances fixing gas rates previously passed, notwithstanding an ordinance in force at the time fixed such rates and provided that upon acceptance thereof by the gas company it should become a binding contract between the city and the gas company.

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Removal of a Public Officer.—In an action against a city for salary by its marshall, removed from office by the mayor, the evidence of the marshall as to his conversation with the mayor tended to show that he was removed for political reasons, and not for incompetency, as stated by the charges filed by the mayor in accordance with the charter. The supreme court of Texas, *City of Antonio* v. *Newnam*,[3] held this was sufficient to sustain a verdict for the marshall. The mayor said "I fired you to put in my own people who helped me to be elected."

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Newsstands as Nuisances.—Although the Buffalo city commission had authorized street-corner newsstands by law, the supreme court of Erie county granted a writ of mandamus against the commission and street commissioner to remove these newsstands on the ground that they were nuisances as a matter of law, being permanent, unreasonable, and unnecessary encroachments upon the public street. This suit was brought by a taxpayer, and it is doubtless the only way by which such street obstructions can be eliminated.

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Wheeling Charter.—The supreme court of appeals of West Virginia has recently upheld the validity of the greater Wheeling charter, and declared that the resolution of the city council, and the notice given by it of the election to take in a number of suburban towns as parts of the city, was sufficient to make legal the voting of the people on the proposition, both in the city proper and in the city suburbs.

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Toledo Car Lines.—Advocates of municipal ownership of public utilities claim to have won a great victory, when the Ohio supreme court recently held that a city may incur debt through the issuance of bonds or otherwise for the purpose of acquiring street railway systems within the city. Chief Justice Nichols gave the following as the court's line of reasoning: "Municipalities of the state are empowered by constitutional provisions to acquire any public utility, the product or service of which is to be supplied to the municipality or its inhabitants, and they may issue bonds to raise money for such purpose, pledging the general credit of the municipality to their payment within the limits prescribed by the legislature as to the amount of indebtedness for local purposes. No legislative grant of power is essential. The issuance of such bonds may be limited or restricted by legislative act, not as to the purpose, but only as to the amount of indebtedness the municipality may incur."

⁂

Street Improvements.—The validity of a number of ordinances for the improvement of Columbus streets was tested recently in the Franklin County courts. The improvements were made without petition of property owners, and the ordinances were passed by a vote of less than three-fourths of the city council. The main point involved in the case was whether a city charter, or the general state law with reference to taxation, controls the city council in the improvement of public streets. The court held that notwithstanding the home-rule section of the state constitution, the general state laws upon taxation predominate, and that no city can escape these laws by adopting a charter of different provisions. In this case the council adopted the improving ordinance by a vote of five of its seven members. The state law requires that at least three-fourths of the council shall vote for such a measure before it can be adopted. In view of this fact the court held against the ordinance.

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[1] 261 Fed. 771.

[2] 176 N. W. 301.

[3] 218 S. W. 128.

⁂

Zoning.—The supreme court of Minnesota in the case of *Twin City Building & Investment Company* v. *Houghton* recently decided that apartment houses may be barred from residential districts created by cities of the first class in this state under eminent domain. Justice Holt said: "It is time that courts recognized the esthetic as a factor in life. Beauty and fitness enhance values in public and private structures. But it is not sufficient that the building is fit and proper, standing alone; it should also fit in with surrounding structures to some degree. People are beginning to realize this more than before, and are calling for city planning by which the individual homes may be segregated not only from industrial and mercantile districts, but also from the districts devoted to hotels and apartments. The act in question responds to this call, and should be deemed to provide for a taking for a public purpose."

Robert E. Tracy.

III. MISCELLANEOUS

Municipal Savings Bank Saves Money for City.—The "municipal savings bank" of Saint Paul (Minnesota), according to a recent statement had deposits totaling $3,635,000 on July 1, 1919, after six years of operation. The "bank" is operated by one clerk. It accepts deposits and issues 4 per cent certificates redeemable on demand and with interest, whether the money has been on deposit a day or a year. For the investment of its deposits the "bank" buys tax certificates and bonds of the city, particularly at times when the city would have to pay high rates for loans through commercial channels. Within the past twelve months the "city bank" has taken $100,000 of 4½ per cent 30-year water bonds, $600,000 of 4½ per cent school bonds, and $750,000 of 5 per cent tax levy certificates, which, it is stated, were not commercially marketable at those rates. It is reported that the water-bond transaction alone will save the city $105,000 of interest charges.

⁂

Municipal Banks in England.—In the early part of 1916 the corporation of Birmingham, England, at the instigation of the lord mayor, promoted a bill in parliament to establish a municipal savings bank. The measure met with considerable opposition from the banking world, and eventually the proposal had to be abandoned. This was not to the liking of Birmingham, and six months later it succeeded in persuading the government to bring in a measure which became law, and was known as the municipal savings banks (war loan investment) act, 1916. This measure was very unsatisfactory, being full of limitations and restrictions. According to a statement made by the manager of the bank, its privileges were restricted to one class of depositor, namely, employed persons; the savings could only be made through the employer; no savings beyond £200 were permitted; the bank could only run for three months after the war; the money had to be invested through the national debt commissioners; and no sum could be withdrawn over £1 without seven days' notice. Conditions such as these are almost enough to break the heart of any public authority or person interested in thrift.

Despite all these drawbacks the scheme was worked in Birmingham with such success that 35,000 depositors were enrolled, and in three years £350,000 were collected—an achievement the corporation is proud of.

With the signing of the armistice the question arose as to whether all this money should be paid out to depositors, or whether steps should be taken to build up a permanent bank. Eventually the corporation decided to promote a bill for the setting up of a permanent bank with wider powers. Parliamentary assent was given on August 16, 1919, and on September 1, 1919, this bank opened its doors to the public, with a head office at the council house and seventeen branches in different parts of the city, some open daily and others on certain evenings. Eight thousand new depositors were enrolled during the first ninety days, and the rate of progress is being maintained.

There are two distinct departments in the bank, a savings bank department and a house purchase department. The former is conducted on lines very similar to trustee savings banks and the Yorkshire penny bank. Any sum from 1d. upwards is accepted. Withdrawals up to £30 can be effected at the head office without notice, and at any branch up to £5. The house purchase department follows very closely the procedure of a building society. The advances are limited to depositors, to houses actually built, and to houses within the city. The extent of the advance which can be made is 80 per cent of the market value, and the repayments may be spread over a period of twenty years. In the first three months, upwards of 200 applications were received.

The Birmingham municipal bank is governed by a committee of the council, upon which labor is prominently represented. Its success has led to agitation in Manchester, Bradford, and other cities for the establishment of similar institutions.

⁂

One-Man Street Cars Barred in Nashville.—Opposition of labor unions in Nashville, Tennessee, to the operation of one-man street cars induced the city commission to prohibit the use of such cars by the Nashville railway and light company. The measure was passed by a vote of three to two.

Greater economy in operation was the claim made for the one-man system by the company, which predicted that continuance of the two-man cars would force it into bankruptcy. A number of citizens appeared before the commission in favor of the one-man cars, and testified that service was improved by the new cars. Representatives of the labor unions contended that use of the cars was unfair to the employes.

⁂

National Information Bureau Investigates Organizations Appealing for Funds.—The national information bureau, organized by charitable contributors and leaders in philanthropic work to investigate all national appeals and indorse those which meet certain standards of responsibility and efficiency, has issued an approved list of 123 national philanthropic and civic agencies appealing for a total of $160,000,000. Adding $176,463,473 for religious organizations which have complied with the standards of the bureau, and $100,000,000 asked for by 34 colleges and universities, makes it apparent that hardly less than $450,000,000 will be needed to pay the total bill for charity, social betterment, and educational purposes in 1920, without taking into account local charities, local church expenses, and taxation for public institutions.

The bureau was compelled to refuse indorsement in more than half its investigations.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS[1]

More than 3,100,000 American citizens are living to-day in towns and cities that have adopted the city-manager plan of government. Until six years ago there were but a dozen small towns in the whole country that had ventured into the limelight by authorizing their councils to appoint the chief administrative officer instead of trusting the ballot box to produce executive efficiency.

To-day there are 180 municipalities in the United States operating under, or pledged to, some type of the manager plan. Of these, 114 have created the position of manager by charter, charter amendment or adoption of optional state laws by popular referendum. Nine more have secured modified manager plans by similar means, while the remaining 57 have officers called managers whose positions and duties are established by local ordinance only. Fifty of these latter are towns of less than 10,000 population.

The record of the growth of the manager plan by years and types follows:

Year in Effect	Approved Charter	Modified Charter	Ordinance Only	Total
1908	—	—	1	1
1912	—	—	2	2
1913	5	—	4	9
1914	12	3	5	20
1915	12	3	6	21
1916	14	1	5	20
1917	12	1	3	16
1918	20	1	11	32
1919	20	—	10	30
1920 (4 mo.)	19	—	10	29
Totals	114	9	57	180

Incidentally, it is worth noting that 26 other towns have tried and discontinued the ordinance-created manager plan. To date, no report is at hand of any city having reverted to its former plan of government after having adopted the manager idea by vote of its citizens. Five Canadian towns employ managers.

Classified as to size, the population figures being estimates:

Plan	Over 50,000	20,000 to 50,000	10,000 to 20,000	5,000 to 10,000	Under 5,000	Total
Charter	13	22	24	34	21	114
Mod. Charter	0	1	3	1	4	9
Ordinance	2	0	5	22	28	57
Totals	15	23	29	57	53	180

ACHIEVEMENT REPORTS

For the past three years the city managers' association has made an effort to secure definite, concise reports as to how the manager plan is working out in the various cities, what achievements are to its credit, in what way it has permitted improved conditions, how the average citizen looks upon the innovation.

We here present the first of a series of articles which will comprise a report upon the success of the plan. These stories have been gleaned from letters from managers, mayors, chamber of commerce secretaries and business men, from annual city reports, from the press and from interviews. The subject of the first installment is

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[1] Secretary, City Managers' Association.

Dixie—Birthplace of the City-Manager Plan. The subjects of subsequent chapters will be

- *City Managers in and around Ohio.*
- *Michigan Manager Municipalities.*
- *Texas and Oklahoma Turn to Manager Plan.*
- *Pacific Coast Cities under Manager Government.*
- *Borough, Town and City Managers "Down East."*
- *Reports from Managers in the Prairie States.*
- *Progress of Manager Movement in Rocky Mountain Region.*

I. DIXIE, BIRTHPLACE OF THE CITY MANAGER IDEA

The South has been given first place in discussing the progress of the city-manager movement for several reasons: To Dixie belongs the distinction of appointing the first city manager, of putting into effect the first three commission-manager charters, of having both the largest and smallest cities now operating under this plan. It boasts the state which is credited with having the largest percentage of its population pledged to the plan. Among Dixie managers are the first man to enter the new profession and the one who holds the record of longest continued service in a single city. It was a southern city of 12,000 which adopted its commission-manager charter by a record ratio of 54 to 1, and a neighboring town of 11,000 claims the limelight by having had 522 applicants for the position of city manager.

VIRGINIA

Virginia leads the South. It inaugurated the manager idea by the appointment of Charles E. Ashburner as general manager of Staunton in January, 1908. Mr. Ashburner is now manager at Norfolk, a city whose population is close to 200,000.

At this time, Virginia has 17 towns and cities pledged to the manager plan. Of these 9 have created the position of manager by adoption of the optional law of 1914 or by special charter. The other 8 have passed ordinances creating the office of manager. One fifth of Virginia's entire population live in city-manager cities. The cities of Petersburg, Newport News, Lynchburg, and Hampton have voted for the new plan and managers will be appointed during this year.

Progress Supercedes Politics at Norfolk

NORFOLK. Population, 200,000. Commission-manager charter effective September, 1918. Charles E. Ashburner, manager, salary, $12,000.

Few cities have faced more serious problems of readjustment than has Norfolk. The population has more than doubled and all branches of municipal activities have been taxed to the utmost, yet the record to the credit of the new plan is an enviable one. Among the high spots are: A deficit reduction of $200,000; $1,500,000 added public improvements; best paid fire and police departments in the United States, and fire department on two-platoon system; juvenile court established, fourteen playgrounds provided, and teachers' salaries increased. Surveys have been completed for a $3,000,000 addition to the water works system.

The paving of 43 streets has been authorized and many of the contracts completed. Through co-operation between the city planning commission and the citizens, a street extension project which would ordinarily have cost the city $250,000 has been completed at an expense of $20,000. By plans now under way the city will acquire approximately 50 acres of land fronting on deep water valued at $750,000. The cost of this improvement will not exceed $250,000 leaving a net gain of $500,000 and requiring only the construction of a pier to make the whole property available for shipping purposes.

Vying with the material gains noted have been the advances in public welfare and recreation fields. All branches of the welfare department have been unified, a city hospital established, visiting nurses employed, free medical and dental clinics opened and a striking reduction in infant mortality brought about. With the increased playground facilities, the attendance has quadrupled and the benefits enjoyed by grown-ups as well as children. A municipal tennis tournament proved most successful.

A Norfolk editorial sums up the situation: "Having outgrown her old unsteady form of government, Norfolk discarded it and evolved a better one. At last it seems that in one American city at least the playing of politics in municipal government has been abandoned."

Portsmouth Saves $44,000 First Year

Portsmouth. Population, 80,000. Commission-manager charter effective January, 1917. W. B. Bates appointed manager August, 1917; present salary, $5,000.

During the first year, under the new plan, the city saved $44,000 notwithstanding war conditions. During the second year, with expenses enormously increased, the city about broke even. Annexation of territory increased the population by 15,000 and added property values to the amount of $6,000,000. The high points of achievement are reported as follows:

The city has purchased for $2,700,000 a $3,000,000 water system which supplies three cities, and has contracted for extensions and enlargements amounting to $1,800,000; established a $10,000 asphalt plant; equipped the street cleaning, trash and garbage department at cost of $20,000.

By terms of a lease to the government of the ferry owned by the city and county, the equipment has been doubled and the ultimate income will be greatly increased. A much needed city cemetery has been provided by the purchase of a 113-acre plot.

A complete building code has been enacted and a building inspector appointed to enforce it. Plans to purchase the gas system are being considered. A memorial community house may be erected and the establishment of a civic center to cost approximately $500,000 has been recommended.

Old System Inadequate

Roanoke. Population, 47,350. Commission-manager charter effective September, 1918. William P. Hunter, manager; salary, $4,800.

A letter from the secretary of the Roanoke chamber of commerce contains the following significant paragraph: "We feel that Roanoke is particularly fortunate in that this change was made in 1918, and that our affairs have for the last year been in the hands of five successful, earnest business men. In addition to the tremendous increase in the cost of operation which the city has had to face along with all other business enterprises, there has been the loss of revenue because of prohibition and certain taxes upon railroad rolling stock that have been diverted. In spite of all this, the city has progressed and has kept within its financial limits.

"Considerable public work has been done, new territory has been annexed and a comprehensive business-like budget for the coming year has been adopted. The council of five meets each Saturday afternoon at 3 o'clock in public session and any citizen can get respectful hearing and an immediate answer. It is true that time honored political traditions have been violated in the change here, but it is our opinion that our people generally recognize the wisdom of their action.

"We have been careful always and wish to have it understood in this communication, that there has been no criticism intended of the men composing the old form of government in Roanoke. There has been no suspicion of misappropriation of funds or anything of that sort, the whole matter hinging purely upon the inability of the old system to care for the needs of a community such as this."

A Program of Improvements

CHARLOTTESVILLE. Population, 10,688. Position provided for by ordinances of August, 1913, and January, 1917. Shelton S. Fife, the third manager, was appointed September, 1918; salary, $2,400.

The manager plan has been hampered at Charlottesville by a lack of a proper charter yet concentrating department control in a single office has promoted increased service. During the past year the water, gas and sewer mains have been considerably extended, a concrete mixing plant has been purchased and the city is constructing concrete pavements as rapidly as possible.

Detailed plans for a comprehensive program of improvements have been worked out and a million dollar bond issue will be submitted to the voters in April. The proposed improvements include paving, water, gas and sewer extensions, construction of a municipal memorial building and purchase of motor fire apparatus.

Twelve Years of Success at Staunton

STAUNTON. Population, 12,000. Staunton originated the idea of employing a city administrator by putting into effect an ordinance creating the position of general manager, January, 1908. The first manager, Charles E. Ashburner, was succeeded January, 1911, by S. D. Holsinger. Mr. Holsinger's salary is $2,000.

By the merging of offices and making of advantageous contracts, the saving has more than doubled the amount of salary and expenses of the manager's office. Staunton has found the manager plan so good an investment that there is a strong sentiment at present to improve it by adopting a standard commission-manager charter. Among the advance steps taken may be noted:

Modern accounting methods and budget system;
Centralized purchasing;
Improved procedure of levying and collecting assessments for sewer and paving work;
Metering of water supply;
Preparation of sewer, water, and light maps;
More efficient street paving methods;
Increased sanitation and systematic garbage removal;
Complete motorization of fire department;
Increased beautification and use of public park;
Erection of modern street signs;
Systematic renumbering of buildings and removal of wooden business signs and stationary awnings.

From local reports, it is evident that "the manager idea is permanently established and its success universally conceded."

Amendment Precedes New Charter

BRISTOL. Population, 8,500. City-manager plan provided by charter amendment effective September, 1919. R. W. Rigsby, manager; salary, $3,000.

Accomplishments under the new plan during the brief period of its operation have been hampered by meager appropriations made by the outgoing council. Perhaps the greatest achievement of the new administration has been the drafting of a complete modern charter to replace the patched-up machinery now in use. This charter will be submitted to the voters soon.

A detailed city map has been completed as a preliminary to a comprehensive city plan. This has been a big undertaking as the city departments have been practically destitute of accurate records. Plans are now in progress for complete sewer and water development. A modern accounting department has been installed and purchasing centralized. The progress being made is meeting with strong popular approval.

A Million Dollar Sewage Disposal Plant

Winchester. Population, 6,883. Position of manager created by ordinance May, 1916. Thomas J. Trier, the second manager, succeeded A. M. Field, September, 1918; salary, $2,000.

A recent letter from Winchester advises that the manager form of government is very satisfactory to the public and that there has been a movement on foot to adopt a standard commission-manager charter.

During the past year the city has opened up a stone quarry, which will mean a saving of hundreds of dollars annually. A million dollar sewage disposal plant is nearing completion. The projects now being worked out include the extension of the city limits, survey for a soft water supply, installation of municipal light plant in combination with present water plant and a general extension of sewer and street work.

Another Good Year at Farmville

Farmville. Population, 4,000. Position of superintendent created by ordinance September, 1915. Leslie Fogus, the second superintendent, was appointed September, 1917; salary, $1,400.

The year 1919 has increased the popularity of the manager plan in Farmville because of the many improvements made possible. During the year the city has constructed 5,000 square yards of concrete paving and three concrete bridges besides building three-fourths of a mile of macadam roadway. Water mains have been extended 3,000 feet, sewer lines 500 feet and electric service furnished to Hampden College, a distance of eight miles.

Other Virginia Cities

Suffolk. Population, 8,000. Adopted the city-manager plan by charter September, 1919. Richard H. Brinkley, former city engineer at Suffolk, was appointed manager in October; salary, $3,000.

Warrenton. Population, 3,000. Has created the position of manager by ordinance and appointed L. M. Clarkson, March, 1920; salary, $1,800.

Blackstone. Population, 2,000. Provided for the position of general manager by a charter amendment which became effective June 1, 1914. R. B. Stone serves as treasurer, clerk, and general manager; salary, $1,500.

Newport News, population, 37,500; Lynchburg, population, 35,000; Petersburg, population 25,000; Hampton, population 8,000 have all adopted commission-manager charters which go into effect during 1920.

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ZONING

BY

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ZONING

I. CHAOTIC CONDITIONS IN UNZONED CITIES

Five years ago in every large city of our country a landowner could put up a building to any height, in any place, of any size, and use it to any purpose, regardless of how much it hurt his neighbors. A few cities had passed ordinances limiting the height of skyscrapers, but these limits were subject to easy change and not part of a comprehensive plan. A few cities limited the height of apartment houses and did not allow them to cover the entire lot. In many cities regulations looking toward zoning were practiced or attempted, but they were usually for chosen sections or to meet local emergencies. Building laws, apart from those applying to fire limits, treated all parts of the city alike whether inside or suburban, whether business centers or residential outskirts. By and large the upbuilding of a city was left to the whim or personal profit of the individual builder and he could do what he wanted to with his own land, even if it hurt the city or the neighborhood.

Skyscrapers would be built to unnecessary height, their cornices projecting into the street and shutting out light and air. The lower floors needed artificial light in the daytime. Business centers instead of being rationally spread out were intensively congested. Transit and street facilities were overwhelmed. In some of the larger cities a landowner in the business district was almost compelled to put up a skyscraper because if he put up a low building, his next neighbor would put up a higher one that would take advantage of his light and air. The first skyscraper that went up in a block would enjoy high rents because of its outlook, but when other buildings went up equally high, its rents would fall. The skyscraper would usually be built to cover the entire lot, with its windows opening on other people's land. Some eligible lots were hedged in by skyscrapers so that no profitable buildings could be erected upon them and their rightful value was stolen by their skyscraper neighbors. The individual landowner could not be blamed because if he did not take advantage of his neighbor, his neighbor would take advantage of him. Many owners recognized that skyscrapers were less desirable and often less profitable than lower buildings, that the giving up of valuable space to gangs of elevators for different stories lessened the rentable area and that the cost of construction per cubic foot of a skyscraper was vastly greater than of a building of moderate height. Nevertheless the owner, realizing that a fairly low building in the intensive district would be pocketed by skyscrapers, would build a skyscraper himself. If he left any of his lot uncovered, or set back the upper part of his building, his neighbor would take entire advantage of it instead of leaving corresponding openings. The result was that the lack of regulation stimulated each owner to build in the most hurtful manner.

In residential localities high apartments would build out to the street line and their windows would open on the grounds of private residences. A vacant unrestricted lot in a high-class residential district had a high exploitation value. After such a locality was exploited by a dozen apartment houses, the owners of the private residences would begin to move away.

The locality would become depressed and the apartment houses themselves would sometimes find themselves in a blighted district.

Bright business streets would be invaded by factories. When the factory use began to predominate, customers would leave the localities, rents of stores would drop, and some of the most eligible business centers of cities became partly deserted. Fortunes were lost because business would move away from the locality where it would naturally remain if not forced out. Public stables and more latterly public garages would enter the best business and residential districts. A garage costing $25,000 might cause a loss of $100,000 in the surrounding values. Garages did not seek the industrial localities but would crowd into the business and residential districts that they would hurt the most.

Although it was evident that a growing city would more and more need its vacant suburbs for residential purposes, sporadic factories were free to enter these open places. Sometimes nuisance factories would go out half a mile from the city in an open area in order that they might be free from complaints of smoke and fumes. When the city built out toward the factory, the residences would keep at a distance. The factory might occupy an acre and almost ruin a hundred acres. Pressure of taxes and interest charges on the owners of this blighted district would cause them to sell at last for cheap and poorly-built houses without the introduction of proper street improvements.

Although traffic and carline streets were normally attractive to retail stores in residential districts, it was frequently the case that a grocer, butcher or druggist would find an eligible corner lot in the heart of a residential district and build a store occupying the entire plot. Sometimes he would alter an existing house, projecting the plate glass front to the street line. This cut off the frontages of the houses in the block that had been built with a uniform setback. If the first comer was successful in his business, others were attracted, and soon the residential section was shot through with the unnecessary business buildings. This hurt the carline street where the business ought to be, and it hurt the residential district where the business ought not to be.

In the great cities especially this freedom of invasion of hurtful uses drove well-to-do families out of the city, where in suburban villages they could to a greater extent obtain protected surroundings. Citizens whose financial ability and public enterprise made them most helpful within the city limits were the very ones that would often be tempted to remove their families outside of the city. Thousands of the best business men would earn their livelihood in the big city, but would give their money and energy to the creating of healthful living conditions in a suburban town. This helped to create a city of factories and tenement houses instead of a city of homes with needed open places.

A man who built a $40,000 home in most of our large cities was considered highly speculative because in a few years he might have an apartment house on one side and a factory on the other. No kind of building was immune from harm. Business districts were invaded by factories, apartment house districts by sweat shops, junk shops and garages, private house districts by apartment houses, and vacant suburban areas by the sporadic chemical or metal factory. There was a succession of invasive uses for which the buildings already erected were not adapted. Sometimes a blighted district ensued. In any case buildings could not be used for their normal life for the uses for which they were designed. Waste on a large scale was inevitable. Sometimes buildings that had a normal life of eighty years were torn down within fifteen years and replaced by a different kind.

Not only were private owners injured but the city itself became less attractive to industrial enterprises, business men and home owners. Chaotic conditions caused workers to travel daily too far from home. The cost of rapid transit lines over and under ground was increased. Street widths and sizes of blocks could not be predetermined. Expensive street improvements, consisting entirely of alterations, became successively necessary. For these reasons the city was not as economically sound as it would be if through community action it could have kept its house in order.

II. PROTECTIVE EFFORTS BEFORE THE SPREAD OF ZONING

But one will say, "Could not all of these injurious effects have been prevented by private restrictions in deeds?" The history of private restrictions has been far from satisfactory. They have operated fairly well in residential developments but have almost never been resorted to for the regulation of skyscrapers, to prevent the invasion of industry in business localities or to stabilize large land areas, different parts of which can properly be put to different uses. When localities are built up without contractual restrictions it is always too late to impose them because private owners can never agree after their buildings are once erected. Efforts are frequently made but a small minority can usually upset the best laid plan. Even in private residential developments the beneficial effect of private restrictions is apt to be short-lived. Usually these restrictions are for a period of twenty or twenty-five years. In that time three-fourths of the lots are built upon with a uniform class of residences. As the time expires, owners begin to keep their lots, especially vacant corner lots, out of improvement so that on the lapse of the restrictions they may erect apartment houses and thus exploit the private home surroundings. Sometimes during this period home owners will allow their houses to run down so that they will be almost valueless when the restrictions expire, and they can then use their land without great loss for apartment houses or business places. Home owners in such localities must be alert to go to court at the slightest violation of the restrictions, otherwise the courts will hold that the restrictions have become inoperative through laches. Often the restrictions are badly drawn and show lack of foresight. Then litigations are sure to ensue. In any case such restrictions have little effect on the upbuilding of a city that is to continue a center of population for centuries. If the restrictions are perpetual, they are still more troublesome. After the lapse of a long time they are difficult to alter because some owners deriving their title from a common source will not sign releases. The courts are prone to say that the restrictions have expired by lapsing on account of a change in the character of the neighborhood. Perpetual restrictions have proven more harmful than those for a fixed period. Contractual restrictions have been of great service in all cities and they will continue to be. They cannot, however, be looked upon as affording sufficient or long-time protection from an all-city point of view. They are incapable of adaptation to the changing needs of the city. They sometimes stand in the way of normal and natural improvements.

Some cities have given large powers to official boards or department heads to prohibit offensive uses of buildings or to cause them to be placed in suitable localities. At the best this is a substitution of the rule of man for the rule of law and is apt to result in playing favorites. The method is not legally sound except as to uses of a nuisance character, and many cities are sure to be disappointed before long in finding that the courts will not uphold an enlargement of the unregulated freedom of officials in prohibiting certain buildings in one place and allowing them in another. A landowner who offers his plan to a building department for a building not objectionable as a nuisance can in such a city practically always obtain a mandamus order against the building superintendent commanding him to file the plan and issue the permit. Sometimes cities seek to apply specific regulations to parts of their area, leaving other areas without such regulation. This is equally apt to meet the disapproval of the courts, for all property situated substantially similarly should be treated alike. Public garages afford a good example of the kind of building left to officials to locate on application. While a public garage partakes of a nuisance character and is generally recognized as coming within such control, nevertheless it almost always happens that there is a tendency to employ influence in the obtaining of permits. Garages are a public necessity. Every city should have numerous spots where public garages can be built without the permit being a matter of favor. It is well settled that nuisances can be segregated. Slaughter houses can be compelled to go into assigned localities. The trouble is that the power to segregate slaughter houses, and the very limited power of public officials to locate garages and other quasi-nuisances has very little effect in bringing about the orderly upbuilding of the entire city. And even this field which might be left to the discretion of officials is apt to become a matter of favor or punishment.

Uniform building laws do not bring about the orderly condition desired. They apply in all parts of the city. They do not recognize that heights of buildings which may be permitted in the intensively used parts of the city should not prevail in the suburbs. They do not recognize that stores which may be built on carline streets should not be built promiscuously among homes. They do not recognize that a lot can be more appropriately built upon to the extent of 90 per cent in the business districts than in the suburbs. In other words they apply uniformly over the entire city. The usefulness of zoning regulations consists in their being different for different districts. Regulations commonly classed as fire limits are a simple form of zoning which has been employed for a long time by many cities.

III. WHAT IS ZONING AND HOW DOES IT PROTECT?

A zone is a belt. Medieval walled towns in Europe were somewhat circular in form. When they outgrew their walls, especially in the case of large cities, the location of the walls would be made into public parks or circular boulevards, and outside of the former walls the land would be laid out in belts, sometimes restricted to different classes of residences. These were called belts or zones. The term zoning, therefore, does not apply strictly in our cities where the different districts assume all sorts of forms, although in general there is a recognition of intensive use in the center of the city surrounded by belts of greater distribution as one goes toward the edge of a city. The creation of different districts, accompanied by the application of different regulations, was five years ago called districting, but this word was so apt to be confused with political districts that public favor caught and used the word zoning, until now the zoning of a city is commonly understood to be the creation of different districts for different purposes, and for different kinds of buildings.

In many European cities zoning in a more or less perfect form has been practiced. Those countries as a rule do not have written constitutions. The law pronounced by the supreme power is final. No court can set it aside. Building departments in cities could be instructed to accept some plans and refuse others in different districts. Sometimes a uniform architectural style was obtained by this rather arbitrary control of building departments. In Bremen a medieval appearance has been given even to new buildings because the building department would refuse plans unless of a certain design. In some cities industry was segregated in localities where the prevailing winds would take the smoke away from the city. Sometimes these regulations are arbitrary or based on aesthetics. The ease with which they could be enforced probably prevented the adoption of a comprehensive plan with the details thoroughly worked out. However that may be, our cities have found a comprehensive zoning plan adapted to states whose government depends on a written constitution, and where the courts can set aside legislative acts as unconstitutional.

For a long time people supposed that zoning was impossible in our cities as contrary to our written constitutions. This impression was wrong. The courts had said nothing to warrant this impression. On the contrary the courts had repeatedly put themselves in line with sensible zoning and against arbitrary zoning.

The reader is assured at this point that he does not have to be a judge or a lawyer to understand the fundamentals of zoning. They are plain common sense and will appeal to any ordinary city official or property owner. The chaotic conditions described in the early part of this article were due to the inability of the individual to protect himself. The power of the community was the only safeguard and the community had not discovered how to exercise its power. Some landowners did not consider that they really owned their land unless they were free to do anything and everything with it that was possible. Others would gladly treat their neighbors fairly if they had any assurance that their neighbors would do the same. The truth is that no man can make the best use of his own unless his neighbors are required to make such use of their own as not to injure others. The landowner who is free to put up a skyscraper covering 100 per cent of his land, and opening his windows on his neighbors' land, may think that his 10 per cent net earnings are a justification of the righteousness of unhampered use of his own property, but when his neighbors put up similar buildings and his rent goes down until it pays barely 2 per cent on his investment, he realizes that fair regulation which would have divided the light and air between him and his neighbors and allowed him to earn a steady 7 per cent or 8 per cent on his investment would be best for him in the long run. But some will say, "If we are not allowed to do as we choose with our own property, the public ought to pay us our damages." It is a fact, however, that fair regulations compelling the division of light and air are a benefit to both owners. One owner gives up something of his absolute ownership and use and in return he receives something from his neighbor.

The people of every state have the inherent right to pass laws for the public safety, health, morals and general welfare. Call it community power or police power—the meaning is the same. It is commonly called the police power, which is something of a misnomer because it has nothing to do with the police. If we think of police power as community power, we will have it about right. It is that power which the state employs for fire protection, for sanitary regulations and for preventing the spread of epidemics. One does not assert that the public must pay him something when the health department says that he must be vaccinated, and yet he is giving up something of his absolute freedom. His compensation is that he, along with all of his neighbors, is protected against the spread of smallpox. Fireproof requirements, plumbing rules, tenement house laws, strength of construction requirements, all come within the police power. They are exercised without compensation being made to the private owner subjected to regulation. The courts rigorously uphold these laws and ordinances, scrutinizing them, however, to see that they are related to health, safety, morals and the general welfare of the community. If they are employed merely on a whim, or for aesthetics or some sentimental object, the courts will not support them. The popular notion and to some extent the official, has prevailed, that if different regulations are enforced in different parts of the city, it cannot be done under the police power but must be done under eminent domain, and compensation must be made. They forget that the health and safety of the community may require different regulations in different parts of the city because the needs of different parts of the city are different. The police power can as well be employed for zoning as for uniform sanitary and fire protection laws. It must, however, similarly be confined within the limits recognized by the courts. That is, zoning must be done with relation to the public health, safety, morals and general welfare. If it is done arbitrarily or by whim or for aesthetics or for purely sentimental purposes or with unjust discrimination, the courts will not uphold it.

Although the police power, as recognized by the courts of our country, adapts itself admirably to the zoning of cities, yet many cities seem to think that they are safer in employing eminent domain. The exercise of eminent domain requires that property or rights over property shall be taken for a public use and that just compensation shall be made. In the very nature of the case it is not applicable to zoning because zoning should cover the entire city, not merely a part. It is for the benefit of all private owners, and is not any more a taking for public use than vaccination is a taking for public use. The expense of appraisal would be calamitous and the spreading of compensation on other property according to benefit would be impossible. Moreover, a vital city is growing and changing. It cannot be run into a fixed mould where it will stay forever. Police power zoning can be altered to fit the changing needs of a growing city, but zoning by condemnation would ossify a city. Some cities after making a mistake in zoning and receiving a setback from the courts, think they must have a constitutional amendment permitting zoning. Constitutional amendments regarding the police power should be avoided unless they are absolutely necessary. The police power residing in the state legislature should be ample for zoning if zoning is done wisely.

The first comprehensive zoning in the United States was done in Boston. A building height of 80 feet was allowed on some main thoroughfares and a limit of 125 feet was imposed on new buildings on all other streets. This ordinance was attacked in the courts for unconstitutionality, but was upheld by the highest court of Massachusetts and was affirmed by the supreme court of the United States. Los Angeles followed with a zoning plan which divided the city into residential and non-residential districts. Under this ordinance, which was retroactive in form, the city authorities ousted a brick yard around which a residential district had grown up. The owner of the brick yard attacked the ordinance on the ground of unconstitutionality but the ordinance was upheld both by the highest court of California and by the United States Supreme Court. Other cities have as a rule considered that it is unduly harsh to make a zoning law retroactive, considering that existing uses and buildings should be allowed to continue subject to certain rules which tend gradually to make them conform to the requirements of the district. After the Boston case was decided and before the decision of the Los Angeles case, the city of New York under the leadership of George McAneny, then a member of the board of estimate and apportionment, made a thorough-going study of skyscrapers the world over but with special relation to the skyscraper district of New York. The city concluded that protective regulations were needed not only in the skyscraper district but throughout the city and not only for high buildings but for height, bulk and use. The first step was to obtain the passage of a legislative enactment granting the police power of the state to the city for the purpose of dividing the city into districts according to height, bulk and use of buildings with power to make appropriate regulations for each district and with a provision that the regulations might differ in the different districts. The ordinance which the city adopted under this law is supplemented by three maps of the entire city. One map shows a set of districts laid out according to heights allowable; another shows a different set of districts outlined according to the area of the lot that new buildings therein may occupy; the last map shows districts outlined according to allowable uses of land and new buildings. Berkeley, California, and St. Louis, Missouri, followed soon after New York. Other cities followed rapidly.

How does zoning protect in actual practice? In general it stabilizes buildings and values. Most of all it conserves the future. Zoning does not endeavor to put existing stores out of residential localities or apartment houses out of private home localities or factories out of business localities. It regulates new buildings and changes of uses. Although it is possible that under the Los Angeles case zoning could go further and oust inappropriate buildings, yet it is considered unwise to do this and successful zoning endeavors to protect investments rather than destroy existing property. When one considers that the great cities of our country will in all likelihood continue as centers of great populations for centuries, one realizes that the harm already done by indiscriminate building is of small account if the future of the city can be protected.

The zoning ordinances and maps differ somewhat in the different cities that have adopted zoning. The interested city official or citizens' organization should obtain copies of the various ordinances and maps which every city will gladly furnish at a nominal cost. The reader must assume that the zoning plan described in this chapter will vary in its details in different cities. New York, for instance, allows buildings on certain broad streets in the skyscraper district to go up 250 feet on the street line before they begin to set back. Smaller cities do not allow such heights, and New York would not have done so if existing buildings of great height had not made it impossible to adopt a more sensible limit.

Limitations for new buildings vary in the different districts, a higher building being allowable in the intensively used parts of the city than in the outskirts. Usually the allowable height has a relation to the width of the street. New York has 2½, 2, 1½, 1¼ and 1 times height districts. This means that a new building in the 2 times district can be built to a height on the street line of 2 times the width of the street. After reaching such a height it must set back at the rate of 1 foot for every 4 feet of additional height. If a street is broader than 100 feet, the building is not allowed any additional height, and if a street is narrower than 50 feet the building need not be correspondingly lower than one erected on a 50 foot street. Towers are allowed of an unlimited height, and steeples, chimneys and other structures defined in the ordinance are excepted from the height regulations. Towers, in the opinion of many, afford a variation in the appearance of a city, prevent monotony, and bring an interest which the city would otherwise lack. Some experienced engineers maintain that allowable heights should not be related to street widths, but this is not the prevailing practice. The setbacks required after the building has gone to the allowable height on the street line are for the purpose of affording access of light and air to the street itself. Provisions of a similar nature apply to the rear of such buildings.

Height regulations therefore not only limit height of new buildings but insure a fair division of light and air among lot owners. The erection of unnecessarily high skyscrapers is no longer a sign of city progress but rather a sign of city ignorance. Buildings of moderate height broaden out a business center. Values are equalized instead of being absorbed by a few. Office business can be conducted in the daylight instead of under artificial light. There is greater convenience and economy in every way. One would say that economical reasons would sooner or later prevent people from building skyscrapers. But every little while a person or business comes along who wants to advertise itself by a monument even if the earning power of the building is very small. The usual trouble with these monuments is that they hurt their neighbors.

Not less important in the height regulations are the provisions for division of light and air between lot owners. As a building goes higher its side courts must be larger. Details for yards and inner and outer courts should be examined in existing ordinances. The setbacks help to create pyramidal structures which leave light and air for their neighbors.

Height regulations alone, however, are not enough and they do very little to prevent congestion where land values are low. Just as lower heights may be required in the outlying districts, so it is practicable to prevent building on the entire lot in the outlying districts. Then, too, industrial buildings and warehouses along watercourses and railroads sometimes are lighted from above or need no light at all. Such buildings can properly occupy the entire lot. These considerations make it necessary to employ another set of regulations commonly called area regulations. They supplement the height regulations. Districts of the one sort need not be coterminous with districts of the other sort and in New York they are not. These area districts in New York are A, B, C, D and E. The A districts are warehouse and industrial districts, usually along watercourses or railroads or land which for one reason or another is best adapted to storage and industry. Here new buildings can cover 100 per cent of the lot. The other extreme is the E district adapted to private detached residences, where the new buildings may cover not over 30 per cent of the lot. B districts are adapted to the large office, business, and high apartment house localities. C districts are adapted to non-elevator apartment houses, and D districts to one and two-family private residences in blocks. The E zones of New York, or zones corresponding to them in other cities that have adopted zoning, have been considered one of the most important results of the new movement because they perpetuate the highly restricted residential developments. In New York it is not practical to put up any residential building on 30 per cent of the lot except a one-family private residence. Most of such restricted areas have been placed in E zones on the petition of the property owners. They are so popular that many new E zones have been created. It was at first feared by some that land in these E zones would be less valuable because the building area was so highly restricted, but it turned out that the protective features were so great that the supply of land in these areas could hardly meet the demand. In some cases where restrictions expired or were about to expire the E zone requirements have made the locality better than it was before. Owners of vacant corner lots that had been held out of use so that apartment houses might be built, have in almost every case improved them with high-class one-family residences. In such districts owners of houses instead of letting them become dilapidated when the private restrictions were about to lapse have improved their homes, adding private garages, sun parlors and substituting copper for tin. These E districts are preventing well-to-do citizens from leaving the city to settle with their families in outlying villages because they offer an opportunity for villa homes protected against all injurious buildings for an unlimited time. In them people can have the advantages of open surroundings and still be near their business, all city conveniences, and have the benefit of low car-fares.

One may ask why they are called E districts instead of private residential districts. The reason is that the method of creating districts graduating from 100 per cent to 30 per cent is a plain employment of the police power with a recognition of health and safety considerations, and the courts will protect a plan which is based on such a foundation. In New York at least it presupposes that an apartment house covering not over 30 per cent of the lot would be substantially as safe and healthful as a one-family house, although as a matter of practice landowners in E districts will not erect apartment houses. The courts will recognize the common sense of bringing light and air in greater abundance to suburban districts where children are growing up. There is a temptation in cities where land is less expensive to create one family house districts as use districts. This has sometimes been done under the apprehension that a 30 per cent restriction would not prevent the two-family or apartment house. Each city must judge for itself whether it will adopt the safe course of creating E districts depending on the 30 per cent limitation preventing hurtful buildings or whether it will follow the more hazardous course of considering private detached residences a separate use. The reason that it is hazardous is because the court is likely to inquire what dangers to health and safety exist in two-family houses, each built on a small fraction of the lot, which do not exist in one-family houses similarly built. Each city in framing its zoning ordinance and maps must keep in mind that it is done under the police power and that the requirements must have a relation to public health, safety, morals and the general welfare. The courts of some states of the far West are undoubtedly willing to recognize a greater scope of the police power than those of some of the more conservative Eastern states.

Private restrictions can continue along with zoning regulations. It is undoubtedly desirable to supplement zoning regulations with private restrictions in the opening of new developments for residences. Inasmuch as private restrictions are contractual and zoning is done under the police power, the one group has no particular relation to or effect upon the other. Private restrictions cannot be copied in zoning. They rest on different bases and are enforced in different ways. Private restrictions are the result of private bargains. Zoning is a public requirement imposed directly or indirectly by the state.

Zoning to regulate height and area would be only a partial remedy. If the protection of zoning stopped at this point, factories, garages, stores and residences could be built anywhere, and there would be no protection against constant injury. Consequently a third class of regulations is necessary concerning the use of land and buildings and different districts must be created to separate these uses. The use districts need not correspond with the height or area districts and commonly do not. In New York the use districts are,—unrestricted, in which residences and buildings as well as factories can go; business districts, in which residences, as well as business can go; and residence districts, in which business and industry are excluded. Newark, New Jersey, has four use districts,—heavy industry, light industry, business and residence; and excludes new residences from the heavy industry districts which are mainly in or near the salt meadows. Some cities, particularly on the Pacific coast, have created numerous use districts, including districts for private residences, districts for apartment houses and districts for public buildings. In the opinion of the author use districts should be few in order that they may be upheld in our more conservative states. Until we have further light on the subject from the courts, the districts should be, with the possible exception of peculiar circumstances, heavy industry, light industry, business and residence.

Heavy industry districts are intended for industries of a nuisance character and works requiring a large spread of yards and buildings. If these districts can be decided upon before or simultaneously with laying out streets, the blocks should be made larger than for ordinary residence or business. They will usually be near railroads and watercourses. Some well-known advisors consider that residences should not be permitted in heavy industry zones. It will be noticed that this is a departure from the general rule. In New York new stores or residences may be built in industrial zones. The argument for the exclusion of residences is that the surroundings are unhealthful and residences in such locations are almost sure to become neglected and unsanitary. The author, however, is of the opinion that, if the land is sufficiently high for drainage and cellars, it is a hardship to the owner to be deprived of using his land for residences. The residences do not hurt the neighboring factories, and the grounds of prohibition cannot be based on the maxim that one should so use his own as not to injure another. Sometimes heavy industrial districts must be laid out far in advance of use and it would seem to be a hardship to require an owner to pay taxes and perhaps hold his land without the slightest income awaiting the coming of a heavy industry use. Then, too, a piece of land in a heavy industry zone might be too small for a factory and yet be surrounded by large factories. Surely it is a hardship to prevent the owner from making use of it for that purpose which as a last resort a man can always adopt, *i.e.*, for small homes. Where land like the Newark salt meadows is too low for drainage or cellars, the case is somewhat different. Zoning, however, must not be arbitrary. Regulation becomes arbitrary when it prohibits every possible use of land and compels the owner to hold it in idleness.

Light industry zones and business zones are self-explanatory. Public garages or garages for more than five vehicles should be permitted in these two zones only on special permit of a board of appeals. In New York they are classed among heavy industry. A public garage may be as hurtful in a light industry district as in a business district. In New York the board of appeals can allow a new garage for more than five vehicles in a business district only when there is already one such garage in the street between two intersecting streets. It has been found that light industry cannot be entirely excluded from business districts. Department stores, millinery shops and jewelry stores need to devote a part of their space to light manufacture and this should be permitted in some way. In New York it is provided for by allowing one-quarter of the store space to be used for light industry. Main thoroughfares and car-line streets almost always tend to become business streets. It is well to consider this in zoning localities not yet built up. If small retail stores and shops are compelled to go to certain localities, they should be compelled to go to the main thoroughfares and car-line streets. How often it has happened in our great cities that main thoroughfares have been built up with splendid homes which have later proved to be out of place. Zoning seeks to set aside streets for a long period of fixed usefulness. This object is best attained by giving privacy to private homes. If five or six stores have come into a block of residences fronting on a street car line or a main thoroughfare, it is likely that the street should be put in a business district. It has begun to show its normal destiny and zoning it as a residence district will usually not save the residential values but on the other hand will hold back the development of normal business values.

Residence districts should allow dwellings, clubs, churches, schools, libraries, hospitals, railroad passenger stations, farm buildings, greenhouses and their usual accessories. A private garage as an accessory to a home constructed for not more than five vehicles should be allowed in a residence district. Some have asserted that hospitals and sanitariums should not be allowed in residence districts as they may sometimes be offensive. The question, however, arises as to where they should be placed. Surely not in industrial or business districts. It might be well to allow their construction only on a special permit from a board of appeals but this has not yet been compelled in any comprehensive zoning system. Billboard permits are not issued in residence districts in New York. The zoning ordinance has proved to be the first effective control of this subject, recognizing that although bill-boards may be proper in some districts, they should not be scattered among homes, schools and churches. It should here be said that there is a natural tendency for cities of medium size whose nearby areas are not congested to favor the control of different kinds of residential units by creating one-family house districts, two-family house districts and multi-family house districts. This tendency has recently been so great that the author hesitates to condemn it. Where city officials are convinced that an area limitation will not produce one or two family houses they probably must take the risk of the courts' approval of districting by naming the number of families. Where, however, conditions are such that division of light and air can be provided for by area regulations as has been done in New York, the author is of the opinion that the recognized police power will more nearly justify the zoning.

Zoning is not usually retroactive. That is, the height, area and use regulations prevent city building departments from issuing permits to new buildings which do not conform to the zoning requirements. But after a zoning plan is adopted old factories will be found in residence and business districts, and stores will be found in residence districts. The question arises "What shall be done with these non-conforming buildings?" It would be a great hardship to the owners to compel them to alter them at once to conform with the requirements of the district. The zoning ordinance therefore must provide for the gradual elimination of such buildings in a way that will fairly preserve the investment of the owner. The owner can reasonably say that he should be allowed to use his building for the purpose for which it was constructed. On the other hand when he comes to alter or enlarge his building, the community can reasonably say that, although he has the privilege to continue his old building, he has no privilege to alter it or enlarge it in a way contrary to the requirements of the district. In New York an owner of a store or light industry building which does not conform to the district may change it to any other use of the same grade provided he does not enlarge it at all or reconstruct it. If, however, it is a heavy industry non-conforming building, it cannot be changed to any other use even of the same grade if any structural alteration is made. It will be seen that these rules as time goes on tend to make the buildings conform with the requirements of the district.

The question also arises with these non-conforming buildings whether, if a part of the building only is used for a non-conforming use, such non-conforming use can extend throughout the building. The rule in New York is that a non-conforming use cannot be enlarged at the expense of a residence use. But the better rule would undoubtedly be that a non-conforming use should not be enlarged at the expense of a conforming use. Each city will need to adapt its rule of non-conforming uses to its own peculiar requirements. The ordinance of St. Louis has given a board of appeals the discretion to allow alterations in use, reconstruction and enlargement of such buildings. It would seem, however, that this important subject ought to be governed by law rather than by the judgment of a board. The rules of non-conforming uses can be and should be rigid. They may be difficult to state but this fact does not justify their being left entirely to the discretion of a board.

Another subject related to existing non-conforming buildings and uses is the prevention after the zoning ordinance is adopted of the intrusion of non-conforming uses into conforming buildings. For instance in a residence district a home owner may try to carry on a sweat shop or a restaurant or a junk yard. How shall he be prevented? Evidently this is beyond the power of control by permit. The wrongful intrusion must be prevented. The ordinance should make such act unlawful and make provision for ousting the unlawful use. In New York this duty is placed on the fire department. The fire department can send notice to the offending owner directing him to quit the unlawful use. If the owner does not do so, the facts are turned over to the corporation counsel who can bring the offender before the magistrate's court for fine or imprisonment.

IV. HOW TO OBTAIN A ZONING PLAN FOR A CITY

The state legislature is the repository of the police power. The fact that the legislature creates a municipal corporation undoubtedly endows such corporation with certain necessary functions under the police power. If this was not so, the city could not transact its business. Before, however, a city proceeds to adopt a zoning plan, it is wise to obtain a specific donation of this power from the state legislature. This can be accomplished by a legislative act applicable to all cities of a state, or by amending the charter of the city. An existing home rule act or general provision should be carefully scrutinized before it is depended upon, in order to make sure that the city possesses the police power so far as height, bulk and use of buildings are concerned, together with the right to impose different regulations on different districts. The decisions of the courts do not draw the line clearly between the inherent police power of a city merely because the legislature has allowed it to be a city and the larger donation of police power requisite for a zoning plan. Cities have adopted fire limits which are a simple form of zoning and have done this without any specific grant of power from the legislature. New York kept on the safe side by having its charter amended by the legislature in this respect and also to provide that the board of estimate after a zoning plan was once adopted could not alter it excepting by a unanimous vote in certain cases, and to provide for a board of appeals to be created by the local authorities with power to pass on border-line and exceptional cases of buildings.

Should the zoning plan be prepared by a city planning commission or a zoning commission? Should such a commission be composed of officials or citizens? Should the council or a commission be empowered to enact the ordinance? Each city will decide these questions, keeping its own peculiar needs in mind. The author gives his own conclusions as the result of his own experience and his observation of progress in many cities for what they are worth. The plan should be prepared by a commission, a majority of whose members should be citizens serving without pay. Certain officials qualified by their experience and proved judgment may be added. No official should be added for the purpose of educating him or swinging him over as an advocate of zoning. The commission should be unhampered in making suggestions and it has much greater freedom if its makeup is not so largely official that its doings are taken to represent the intention of the administration. A zoning commission has enough to think about without being compelled to consider whether its composition will reflect on the administration or not. If the work goes on wisely with frequent conferences with property owners of all classes and with frequent hearings, there is no danger but that the excrescences and theoretical trimmings will be rubbed off. After the plan is worked out after many hearings and conferences it should be reported to the council who should have the power to hold further hearings, refer it back to the commission if desired and ultimately to enact it. The adoption and amendment of a zoning plan belong to the council as much as the street layout. Moreover the natural growth and changes in the city will require intelligent amendment of the zoning plan year by year and it is probably impossible to expect that citizens serving without pay can keep in touch with the needs of the city so well as officials assisted by the constant advice of the city departments. It is of doubtful wisdom to put actual legislative power in a city planning or zoning commission.

In most cases it is best for a zoning commission to prepare the plan. There is a difference between the planning of public streets and places and the working out of a zoning plan. The former has to do with land and buildings owned or to be owned by the city. Zoning has to do with the regulation of private property. The two fields are therefore quite distinct. More rapid progress is made by creating a zoning commission to perform a specific piece of work. If the zoning commission can perform its work well and secure the adoption of the plan, it has aided the work of laying out public streets and places and the locating of public buildings. Its work is fundamental. It should be carried on intensively and not as an incident in general city planning.

A farsighted zoning commission will early enlist the favor of the owners of small homes and stores. They can be shown in the beginning how they can be protected against flats, garages, junk yards and factories. To feature Fifth Avenue, Euclid Avenue or Michigan Avenue is the wrong way to begin. Then, too, throughout the preparation of the plan property owners of all sorts should be taken into the confidence of the commission. Taxpayers' associations, boards of trade, manufacturers' associations, fire insurance men, savings banks and title companies, and owners of high buildings, low buildings and vacant land should all have a part in advising what will stabilize property and prevent confiscation.

Zoning looks mainly to the future. The zoning of built-up localities must recognize actual conditions and make the best of mistakes of the past. But the zoning of open areas, while following desirable natural tendencies, must check the undesirable tendencies. Zoning should follow nature and it should not be forgotten that the city has a history. There will be a temptation for radical individuals and officials to use zoning as a field for experimentation. This is a mistake. The scope of the police power is measured by the universality of its recognition as well as the universality of its need. Some of the features of modern zoning have not yet been so widely approved by the courts that cities newly preparing plans can afford to go very far in advance of the procession.

Such a city will be tempted to try piecemeal zoning. On the appointment of a zoning commission home owners in localities subjected to some immediate danger will go to the commission and show how they must have an immediate remedy because private restrictions are about to expire or a factory is about to be built or plans for a public garage are being filed. If the zoning commission refuses to act, they go to the council. Sometimes more time is lost in debating the items of proposed piecemeal zoning than would suffice to zone the entire city. Such piecemeal zoning should not be done. In the long run it delays. Precarious localities should get behind comprehensive zoning and hurry it up. Comprehensive zoning of an entire city is strong because localities substantially similarly situated are treated alike. Piecemeal zoning is weak because it is discriminatory. Piecemeal zoning is apt to produce test cases full of danger because, for instance, an owner of a vacant lot is prevented from building a garage in one residential locality when a similar owner in a similar locality ten blocks away is allowed to build a garage. This is discriminatory on its face and is likely to incur the criticism of the courts. Then if some adverse decision is handed down in such a test case, critics of zoning and sometimes newspapers will assert that the courts have declared zoning to be unconstitutional. More time is taken to explain how the mistake was made and comprehensive zoning is still more delayed. The favor of precarious districts is needed in advancing a general plan. To zone all such districts first is to throw away part of the help which a zoning campaign needs. In New York, St. Louis and Newark the temptation to allow piecemeal zoning was successfully resisted. The actual damage that occurred was almost infinitesimal. If, however, the piecemeal plan had been started the cities might not be zoned today. Another argument against piecemeal zoning is that one cannot know how to zone any spot in a city until he knows how to zone the entire city because the use of any one locality has some relation to all others.

The zoning of the entire city should be preceded by an accurate mapping of existing buildings and uses. Present and future transportation lines must be taken into account. In New York a chart was made showing height of buildings, another showing frame buildings, another showing use, whether industrial, business or residence, another showing density of population and another showing by different colors the distances of every part of the city from City Hall measured by travelling time on rapid transit railroads. These fundamental data assist in preparing a foundation of facts instead of a foundation of guesswork.

It is apparent that the members of a zoning commission cannot personally attend to the collection of data, preparation of maps and the working out of innumerable detail problems. The city must furnish the zoning commission with a staff headed by a competent expert. The chief of staff should be more than an ordinary engineer or architect or lawyer. He should be a broad-gauge expert in the distribution of urban population, in the layout of streets and public places, in forms and materials of buildings and in the limitations imposed by law on the exercise of the police power. No city should be too proud to retain an outside man. New York city took five years and did not do the job as well as she could do it today in two years. The reason was that she was plowing new ground and there were almost no precedents to help. But some one may say "Why not get the ordinances and maps from zoned cities and pick out what seems to be the best?" The reason is that imitation is likely to be disastrous. No two cities are alike. Each deserves an accurate study of its own growth, tendencies and needs. The heights of buildings allowed in New York are far too great for imitation. It was the case of the horse being stolen before the barn door was locked. Lower heights in the skyscraper districts could not be imposed with fairness to owners of partially improved land. Too great congestion in tenement house districts is allowed. This was due to some extent to existing conditions and to some extent to the novelty of the enterprise which properly induced caution. The chief of staff should know the *reasons* that have prompted different methods in different cities. He will, of course, have before him the ordinances and maps of all other cities, but he will be more than an imitator.

We are now ready to listen to the question of the intelligent reader which at this point is quite sure to be "How can you run a city into a zoning plan mould and expect it to stay there; do not cities have to grow and change?" The answer is that zoning encourages growth while at the same time it prevents too rapid changes. Every vital growing city must change and the zoning plan must be capable of change. The same authority that has adopted the ordinance and maps must have the power to amend them. On the other hand a high degree of permanency or stiffness must be insisted upon, otherwise the property owner who puts up a fourteen-story building in compliance with the zoning law might be disappointed to find that the council had altered the law so that a twenty-story building might go up on each side of his building. He would then be penalized because he obeyed the law. Or a man might put up a fine residence in an outlying residence district depending upon its permanence and find that the council had changed it to business and he was likely to have a butcher store on one side and a grocery store on the other. It is apparent that any provisions inserted in the ordinance itself are not a sufficient protection to owners to build in conformity with the zoning ordinance because one council may undo the work of its predecessor. The only safeguard is in a provision of the legislature which will prevent the city council from freely changing the maps and ordinance. New York obtained an amendment to its charter from the legislature to the effect that the city authorities could not change the ordinance or maps without fixing and advertising a public hearing, and this further provision was added that, if 20 per cent of the frontage affected by the change, or 20 per cent of the frontage opposite, or 20 per cent of the frontage in the rear protested in writing against the change, then the unanimous vote of the board of estimate was required to make the change valid. Under a legislative requirement of this sort there is little danger of hasty action, and if a protest of 20 per cent of the frontage is filed it is practically impossible for the applicant to obtain the unanimous vote of the council unless his case is sound and imperative. Cities which have large powers under the home rule act should ask their state legislatures to impose this check or some similar check upon the city council.

Another provision that should be supplied by the state legislature is to empower the city to create a board of appeals. The city cannot endow a board of appeals with power to decide certain border-line cases of buildings which will be enumerated in the ordinance itself, or to make exceptions in the provisions of the law to carry out the spirit of the law and prevent unnecessary hardship. It is a safeguard in the administration of the law to have a board of appeals. The letter of the ordinance and maps may be the extreme of hardship. No words can be used in the ordinance that will provide for the multitudinous contingencies of new buildings. If there is no board of appeals to apply the spirit of the law and vary its letter, the exercise of the police power may in certain cases be arbitrary and incur the criticism of the courts. Moreover it is a great safeguard to preserve that elasticity which a board of appeals can give to a zoning plan in order to minimize the danger of a pronouncement of unconstitutionality by the courts. It is a well-recognized rule of the law that before an aggrieved owner can obtain a writ of mandamus from the court against a building superintendent to compel him to file his plans and issue a permit, he must exhaust all of the remedies afforded him by the city. This means that before he can bring up the question of unconstitutionality he must bring his plans before the board of appeals. Experience has shown that a wise board of appeals can practically always mitigate the unfairness involved in the letter of the law if the applicant has a sound and deserving case. If, however, the board of appeals will not adjust his case to suit him, he goes before the courts with all of the chances against him, for the courts will say that his plans run counter to an impartial plan covering the entire city and that in addition a fair board of appeals having the power of adjustment in cases of unnecessary hardship decided against the applicant. Every decision of the board of appeals should be reviewable by the courts on writ of certiorari. Such review, however, involves no danger of overthrow of the law itself by the courts but only a possible limitation of the functions of the board. Some will say that there should be no board of appeals because such a board will be too easy and break down the law by granting favors. A corrupt or incompetent board of appeals could do a vast amount of injury but it is the business of the mayor or appointing power to see that the board is made up of impartial and experienced men.

The council should have power to amend the maps and ordinance and the board of appeals should not. The board of appeals should have the power to vary the ordinance and maps in cases of specific buildings and the council should not. In other words the council should have charge of the maps for the law-making power should control the fundamental restrictions. The board of appeals should have charge of the application of the ordinance and maps to specific buildings because the council does not have the time or preparation to go into the details of exceptional circumstances as to specific buildings. There should be no confusion of the powers of the council and the board of appeals. The field of each is entirely separate and distinct.

In New York the board of appeals is authorized by the ordinance to grant a permit for a public garage in a business street if there is already one public garage or public stable in that street between two intersecting streets; to allow the projection of a business building into a residence district or a factory building into a business district in certain specified cases at the borderline between two districts, and to permit a temporary non-conforming use in outlying undeveloped areas. Other powers similar to these are enumerated. Their power to vary the ordinance and maps in cases of unnecessary hardship is an entirely separate power and is given directly by the state legislature.

V. WHERE TO GET INFORMATION

The reader can hardly hope to obtain from this article more than a brief outline of the subjects of zoning. The councilman, city engineer or legal adviser of a city contemplating zoning will desire to know where he can obtain more complete information on what has been done or attempted. Probably the most exhaustive books that have been published, collecting data from all cities, giving full tabulation and maps, and with discussions of legal problems involved, are the report of the heights of buildings commission of the board of estimate and apportionment of the city of New York, December 23, 1913, and the report of the commission on building districts and restrictions of the board of estimate and apportionment of the city of New York, June 2, 1916. These reports were made during the preparation of the zoning ordinance and maps for New York. These volumes will be found in many public and municipal libraries. The following cities have to a greater or less extent adopted the zoning plan:

Alameda, Cal.
Berkeley, Cal.
Boston, Mass.
Los Angeles, Cal.
Minneapolis, Minn.
Newark, N. J.
New York, N. Y.
Oakland, Cal.
Palo Alto, Cal.
Sacramento, Cal.
St. Louis, Mo.
Washington, D. C.

By addressing the chief engineer, information can usually be obtained from any of the above mentioned cities. The National City Planning Conference has for the last eight years carried on an unremitting and intensive study of this subject. It has undoubtedly been not only the principal advocate and supporter of zoning but also the most active disseminator of information about zoning. The American City Planning Institute, affiliated with the National Conference, has devoted a series of meetings to discussing the principles of zoning from every angle, receiving suggestions from every part of the country in the hope that it might promulgate an authoritative statement of such principles. The annual reports of the National Conference contain a great deal of helpful material on zoning. Nelson P. Lewis, chief engineer of the board of estimate and apportionment, Municipal Building, New York city, is president of both organizations, and Flavel Shurtleff, 60 State Street, Boston, Massachusetts, is the secretary.

VI. STATEMENT OF PRINCIPLES OF ZONING FORMULATED BY THE AUTHOR

(1) The subject in relation to city planning should be called zoning, the boards zoning boards or commissions. In laws and ordinances the word zoning should be used in the title and the word districts in the body of the law to specify the areas affected.

(2) Zoning is the creation by law of districts in which regulations differing in different districts prohibit injurious or unsuitable structures and uses of structures and land.

(3) Zoning should be done under the police power of the state and not by condemnation.

(4) Zoning by the exercise of the police power of the state must relate to the health, safety, morals, order and general welfare of the community. It follows therefore that police power zoning must be confined to police power reasons such as fire risk, lack of light and air, congested living quarters and other conditions inimical to the general welfare. The preventive regulations based on these reasons, which necessarily must be applied differently and in different measure in different districts, naturally group themselves into zoning according to use of structures and land, according to height of buildings and according to portion of lot covered by buildings. Zoning might go further and embrace the subjects of fire limits, setbacks, and doubtless other classes of regulations. Enhancement of value alone, or

aesthetics alone has not thus far been considered by the courts to be a sufficient basis for zoning when done under the police power.

(5) Before enacting zoning regulations a city should have obtained the power to do so from the state legislature. The essential statement in such grant of power is that the city may impose different regulations for structures and for the uses of land and structures in different districts.

(6) Zoning is part of the city plan and should be applied to land as early as possible and where practicable at the time the street layout is adopted. Studies for zoning in undeveloped districts should be accompanied by studies for at least main and secondary thoroughfares.

(7) Zoning when applied to existing cities should be adapted generally to existing conditions but should endeavor to check undesirable tendencies.

(8) In the same city, localities having substantially a like character and situation should be zoned in the same manner. This principle should prevent arbitrary, piecemeal or partial zoning, which is dangerous and may be illegal.

(9) Zoning should be sufficiently stable to protect those who comply with the law, but at the same time should be susceptible of change by the municipal authority under strict checks prescribed by state law, so that it can be altered to meet changing conditions or conditions not adequately recognized.

(10) Provision should be made that interested property owners may initiate the consideration of changes, but the actual application of the zoning regulations to the land and any changes therein should rest with the municipal authority and not with the property owners. It is a wise expedient to require more than a majority vote or even a unanimous vote, of the municipal authority to changes unless a substantial majority of the property owners affected thereby have given their consent thereto.

(11) Zoning regulations may properly be supplemented by restrictions in deeds based upon purely aesthetic reasons or for the purpose of creating a uniform residential development or for other purposes.

(12) Regulations applicable to all buildings of a class regardless of location, such as relate to plumbing, strength of material, safety devices, or protection of employes against fire should not be placed in a zoning law. They are properly part of a housing law, factory law or building law. Only those requirements which differ in different districts enter into a zoning law.

(13) Use districts normally comprise residence, business, light industry and heavy industry districts. The kinds of industries prohibited in light industry districts should be enumerated. Residences should be permitted in business districts and both residences and business should be permitted in light industry districts. It is a moot question whether and under what conditions residences should be prohibited in heavy industry districts. Classes of use districts should be few. The more minute adaptation to local needs should as a rule be provided for in the area and height zoning and by permitting special uses under conditions stated in the ordinance or under the administration of a board of appeals empowered to make building exceptions. There is lack of agreement as to the desirability and legality of prohibiting apartment houses, flats, tenement houses and other multiple dwellings in certain districts limited to single family dwellings.

(14) Where zoning regulations apply only to new buildings (as is the safer practice) buildings occupied for non-conforming uses should be placed under constant pressure to become conforming through changes with the lapse of time.

(a) Structural alterations made in a non-conforming building should not during its life exceed one-half its value, nor should the building be enlarged, unless its use is changed to a conforming use.

(b) No non-conforming use should be extended by displacing a conforming use.

(c) In a residence district no non-conforming building or premises devoted to a use permitted in a business district should be changed into a use not permitted in a business district.

(d) In a residence or business district no non-conforming building or premises devoted to a use permitted in a light industry district should be changed into a use not permitted in a light industry district.

(e) In a residence, business or light industry district no building devoted to a use excluded from a light industry district should be structurally altered if its use shall have been changed since the time of the passage of the ordinance to another use also excluded from a light industry district.

(f) In a residence, business or light industry district no building devoted to a use excluded from a light industry district should have its use changed to another use which is also excluded from a light industry district if the building has been structurally altered since the time of the passage of the ordinance.

(15) In business and industry districts towers within a prescribed height limit should be permitted but should not occupy over one-quarter of the lot area. They should be allowed on the street line all the way up, but should stand away from side lines according to a suitable rule.

(16) Height limitations should be determined primarily by widths of streets and the use of the property. There should also be flat maximum limitations irrespective of street widths which should be fixed with due regard to local conditions.

(17) Included in area limitations there should be a provision for the percentage of lot that can be covered and a limitation of families per acre or of the minimum square feet of lot area per family.

(18) There should be an administrative board with power under state law:

(a) To rectify on appeals the errors of building superintendents in passing on applications for building permits.

(b) To decide borderline and exceptional cases of buildings where specified in the ordinance.

(c) To vary the literal requirement of the law in individual cases of buildings where unnecessary and excessive hardship is caused and the intention of the law is equally accomplished by an alternative method to be prescribed.

Not only should the powers of such a board be specified in the ordinance, but the state legislature should authorize the municipal authority to create such a board and to provide in the ordinance what borderline and exceptional cases it may decide. A larger vote than a mere majority should be required for an affirmative decision. Proceedings and records of the board should be public and members of the board should be removable for cause. Decisions of the board should be subject to court review.

VII. SUGGESTIONS FOR FORMS OF LEGISLATIVE ENACTMENTS

The acts of the legislature of the state of New York probably cover the subject of zoning more completely than those of any other state. Reference to these enactments is more confidently made by the author because they have been worked out from the ground up in the most painstaking manner, and have stood the test of court construction in New York city.

The statutes applicable to New York city will be found in Chapter IX "Statutes and Ordinances." They are embodied in the charter of the city of New York.

Appended hereto, however, is the New York legislative enactment granting zoning powers to all cities of the state. This is now the law. It is followed by a carefully prepared statute, containing the best features of the New York charter, with a few changes made desirable by court decisions. The proposed statute is to apply to all the cities of the state except New York and Rochester and is at the present writing pending as an amendment to the general city law in the state legislature.

General City Law of the State of New York

Chapter 483

An Act to amend the general city law, in relation to the regulation of buildings and the location of trades and industries, passed May 15, 1917.

(Section 20. Grant of specific powers. Subject to the constitution and general laws of this state, every city is empowered):

24. To regulate and limit the height and bulk of buildings hereafter erected and to regulate and determine the area of yards, courts and other open spaces, and for said purposes to divide the city into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers and to pro-

mote the public health and welfare, including, so far as conditions may permit, provision for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote public health, safety and welfare and the most desirable use for which the land of each district may be adapted and may tend to conserve the value of buildings and enhance the value of land throughout the city.

25. To regulate and restrict the location of trades and industries and the location of buildings, designed for specified uses, and for said purposes to divide the city into districts and to prescribe for each such district the trades and industries that shall be excluded or subjected to special regulation and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and general welfare and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values and the direction of building development, in accord with a well considered plan.

PENDING AMENDMENT

An Act to amend the general city law in relation to the regulation of buildings and the location of trades and industries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-six of the laws of nineteen hundred and nine, entitled "An Act in relation to cities constituting Chapter twenty-one of the consolidated laws," as amended, is hereby amended by adding after Article 5, a new article to be Article 5–a, to read as follows:

BUILDING AND USE DISTRICTS

§81. Board of Appeals. 1. The mayor of any city may appoint a board of appeals consisting of five members, each to be appointed for three years. Such board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to paragraphs twenty-four and twenty-five of section 20 of this act. They shall also hear and decide all matters referred to them or upon which they are required to pass under any ordinance of the common council adopted pursuant to such two paragraphs. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation in such ordinance. Every decision of such board shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

2. Appeal how taken. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

3. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the supreme court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

4. Hearing of and decision upon appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the board of appeals shall have power in passing upon appeals, to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures, so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done.

§82. Certiorari to review decision of board of appeals. 1. Petition. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any officer, department, board or bureau of the city, may present to the supreme court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to a justice of the supreme court or at a special term of the supreme court within thirty days after the filing of the decision in the office of the board.

2. Writ of certiorari. Upon the presentation of such petition, the justice or court may allow a writ of certiorari directed to the board of appeals to review such decision of the board of appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator or his attorney, which shall not be less than ten days and may be extended by the court or a justice thereof. Such

writ shall be returnable to a special term of the supreme court of the judicial district in which the property affected, or a portion thereof, is situated. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

3. Return to writ. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

4. Proceedings upon return. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

5. Costs. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

6. Preferences. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

§83. Amendments, alterations and changes in district lines. The common council may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and districts established under any ordinance adopted pursuant to paragraphs twenty-four and twenty-five of section 20 of this act. Whenever the owners of 50 per cent or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged to the common council requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the council to vote upon said petition within 90 days after the filing of the same by the petitioners with the secretary of the council. If, however, a protest against such amendment, supplement or change be presented, duly signed and acknowledged by the owners of 20 per cent or more of any frontage proposed to be altered, or by the owners of 20 per cent of the frontage immediately in the rear thereof, or by the owners of 20 per cent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the unanimous vote of the council.

§84. Article limited. This article shall not apply to the city of New York.

Section 2. This Act shall take effect immediately.

VIII. OPINIONS OF THE COURTS

SCOPE OF THE POLICE POWER

C., B. & Q. Railway *v.* Drainage Commissioners, 200 U. S., 561
City of Rochester *v.* West, 164 N. Y. 510
Cusack *v.* The City of Chicago, 267 Ill., 344; U. S. Supreme Court, 242 U. S. 526 (Jan. 15, 1917)
Watertown *v.* Mayo, 109 Mass. 315
Commonwealth *v.* Alger, 7 Cush. 53
Fisher *v.* McGirr, 1 Gray, 1
Commonwealth *v.* Tewksbury, 11 Met. 55
Baker *v.* Boston, 12 Pick, 184
Vandine, petitioner, 6 Pick, 187
Slaughter-House Cases, 16 Wall. 36
Cronin *v.* People, 82 N. Y. 318
Barbier *v.* Connolly, 113 U. S. 27
City of Chicago *v.* Stratton, 162 Ill. 494, 35 L. R. A. 84
Shea *v.* City of Muncie, 148 Ind. 14, 46 N. E. 138
Matter of McIntosh *v.* Johnson, 211, N. Y. 265.
Reinman *v.* Little Rock, 237 U. S. 171.
People ex rel. Busching *v.* Ericsson (1914), 263 Ill. 368, 105 N. E. 315, L. R. A. 1915 D 607
People ex rel. Keller *v.* Village ofOak Park (1915), 266 Ill. 365, 107 N. E. 636
People ex rel. Huntley Dairy Co. *v.* Village of Oak Park, Supreme Court of Illinois, April 22, 1915, 268 Ill. 256
People ex rel. Lincoln Ice Co. *v.* City of Chicago, Supreme Court of Illinois, October 28, 1913, 260 Ill. 150
Evans *v.* Reading Chemical Co., Supreme Court of Pennsylvania, March 12, 1894, 28 Atl. Rep. 702.
People *v.* Lewis, Supreme Court of Michigan, June 5, 1891, 49 N. W. Rep. 140
Phillips *v.* City of Denver, Supreme Court of Colorado, November 22, 1893, 34 Pac. Rep. 902
People ex rel. Corn Hill Realty Co. *v.* Stroebel, N. Y. Court of Appeals, November 18, 1913, 103 N. E. Rep. 735, 209 N. Y. 434
City of Spokane *v.* Camp, Supreme Court of Washington, October 15, 1908, 97 Pac. Rep. 770
People ex rel. Kemp *v.* D'Oench, 111 N. Y. 359
Tenement House Dept. *v.* Moeschen, 179 N. Y. 325
Welch *v.* Swasey, 193 Mass. 364. Affirmed: 214 U. S. 91
Gundling *v.* Chicago, 177 U. S. 183, 188
Cochran *v.* Preston, 108 Md. 220, 23 L. R. A. (N. S.), 1163
Ex Parte Quong Wo, 161 Cal. 20, 118 Pac. 714
In re Montgomery, 163 Cal. 457, Ann. Cas. 1914 A, 130, 125 Pac. 1070
Nahser *v.* City of Chicago, 271 Ill. 288, L. R. A. (1916), 95
People ex rel. Ormsby *v.* Bell, 218 N. Y. 212
Willison *v.* Cooke, 54 Colo. 320, 44 L. R. A. (N. S.) 1030
Spann *v.* City of Dallas, 189 S. W. 999
Bacon *v.* Walker, 204 U. S. 311

- State *v.* Taubert (1914), 126 Minn. 371, 148 N. W. 281
- State *v.* Withnell (1912), 91 Neb. 101, 135 N. W. 376, 40 L. R. A. (N. S.) 898
- Horton *v.* Old Colony Bill Posting Co. (1914), 36 R. I. 507
- In the Matter of the Application of Richard Russell, New York Supreme Court, Niagara Co., April 6, 1916
- Quintini *v.* City of Bay St. Louis, 64 Miss. 483, 1 South 625, 60 Am. Rep. 62
- State *v.* Gurry, Court of Appeals of Maryland, October 7, 1913, 121 Md. 534, 88 Atl. 546, 47 L. R. A. (N. S.) 1087, Ann. Cas. 1915 B, 957
- Stubbs *v.* Scott, 127 Maryland 86
- Bostock *v.* Sams, 95 Md. 400
- Shepard *v.* City of Seattle, July 16, 1910, Supreme Court of Washington, 109 Pac. Rep. 1067
- Ex parte Hadacheck, 165 Cal. 416, L. R. A. 1916 B 1248
- Hadacheck *v.* Sebastian, 239 U. S. 394
- State ex rel. Lachtman *v.* Houghton, 158 H. W. Rep. 1017. A valuable discussion of this and other cases by R. S. Wiggin in Minnesota Law Review, February, 1917.
- Lake Shore and Mich. So. Ry. Co. *v.* Ohio, 173 U. S. 285
- Noble State Bank *v.* Haskell, 31 Sup. Ct. 186 (Va.)
- Bonnett *v.* Vallier, 116 N. W. Rep. 885
- Calvo *v.* City of New Orleans, 67 S. W. Rep. 338

Grant of the Police Power by the Legislature to the City

- City of Olympia *v.* Mann, 1 Wash. 389
- Mount Vernon First National Bank *v.* Sarlls, 129 Ind. 201, 13 L. R. A. 481
- Commonwealth *v.* Roberts, 155 Mass. 281
- Health Department *v.* Rector, etc., 145 N. Y. 32
- Attorney-General *v.* Williams, 174 Mass. 476 (Copley Square, Boston)
- People ex rel. Friend *v.* Chicago, 261 Ill. 16
- Eubank *v.* City of Richmond, 226 U. S. 137
- State *v.* Johnson, 114 N. C. 846

Eminent Domain not Applicable to Zoning

- Sanitary District of Chicago *v.* Chicago and A. R. Co., Supreme Court of Ill., February 17, 1915, 108 N. E. Rep. 312
- Forster *v.* Scott, 136 N. Y. 577
- Matter of opening Furman Street, 17 Wend. (N. Y.), 649
- Matter of opening Rogers Avenue, 29 Abb. N. C. (N. Y.), 361
- Edwards *v.* Bruorton, 184 Mass., 529
- Curran *v.* Guilfoyle, 38 App. Div. 82 (N. Y.)
- Matter of Clinton Ave., 57 App. Div. 167 (N. Y.) 160 App. Div. 31 (N. Y.)
- People ex rel. Dilzer *v.* Calder, 89 (N. Y.) App. Div. 503
- St. Louis *v* Hill, 116 Mo. 527 (1893)
- Fruth et al. *v.* Board of Affairs of City of Charleston, Supreme Court of Appeals of West Virginia, 84 S. E. Rep. 105

Aesthetics Alone Not a Proper Basis for Employment of the Police Power

- People *v.* Wineburg Adv. Co., 195 N. Y. 126
- People ex rel. Publicity Leasing Co. *v.* Ludwig, 218 N. Y. 540
- People *v.* Green, 85 (N. Y.) App. Div. 400
- Haller Sign Works *v.* Physical Culture Training School, 249 Ill., 436, 34 L. R. A. (N. S.) 998
- Passaic *v.* Paterson Bill Posting, Advertising & Sign Painting Company, 72 N. J. L. 285 (1905)
- Varney *v.* Williams, Supreme Court of California, March 18, 1909, 100 Pac. Rep. 867
- Gunning Advertising Co. *v.* City of St. Louis, 235 Mo. 99, 137 S. W. 929
- City of St. Louis *v.* Dorr, 145 Mo. 466, 42 L. R. A. 686
- Lawton *v.* Steel, 152 U. S. 133, 14 Sup. Ct. 499, 38 L. Ed. 385
- State ex rel. Omaha Gas Co. *v.* Withnell, Supreme Court of Nebraska, January 5, 1907, 110 N. W. Rep. 680
- Parker *v.* Commonwealth, 178 Mass. 199

Procedure under Zoning Ordinances

- Whitridge *v.* Park, N. Y. Law Journal, February 19, 1917
- Anderson *v.* Steinway, N. Y. Law Journal, January 23, 1917; N. Y. Law Journal, June 19, 1917
- Albany Heights Realty Co. *v.* Vogt, N. Y. Law Journal, July 19, 1919
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X. THE BIBLIOGRAPHY OF ZONING

BY THEODORA KIMBALL[1]

Within the last eight years in this country there have appeared a considerable number of publications relating to zoning. The earliest of these dealt largely with European practice as a suggestion or guide for proposals in the United States. As our cities drafted their own zoning ordinances, and succeeded in getting them adopted, a steady and increasing stream of reports and descriptive articles has come forth, valuable to other cities as a record of experience. In addition, members of the American City Planning Institute,—especially Messrs. Bassett, Cheney, Swan, Whitten and Williams,—have summarized the legal situation in several authoritative papers, particularly useful for reference. A selection from all the above-mentioned groups of publications is given below, together with a few other articles, one of which shows the awakening interest of Australia in the subject, and the remainder, certain basic facts which must be taken into consideration in making zoning plans. No items in the German language have been included, since German practice has been ably outlined in several of the articles given.

A complete bibliography of American references on zoning would include a number of additional titles, but they are either progress items later superseded, or publications, without explanatory text, of ordinances, a complete account of which will be found by consulting the list of cities where zoning has been adopted, given elsewhere in this chapter.

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VIEWS AND REVIEWS

I

If the McCormick budget bill passes, the treasury department will have to be dismantled by the transfer of its non-financial functions to other departments. If the project for a new department of public works, now being vigorously advanced by certain of the engineering profession, makes progress, another shakeup impends. A reorganization of the state department is reported as being already scheduled by congressional leaders. The budget process itself will bring to light conflicts of jurisdiction that do not emerge when each department appeals for funds to a different committee of congress. Congress believes that an unexplainable number of war-time employes linger needlessly in Washington.

It is a fine chance for a commission of inquiry to produce a great report.

An ideally bad way to go about it is to have a committee of congress engage untrained counsel, who is confident that common sense is a sufficient equipment, summon busy bureau chiefs and departmental employes before the inattentive committee for long, aimless dreary hearings, ask for data in impracticable classifications, get it in vast tables and reports, which only the proofreader ever reads, and end with a list of mediocre proposals to be promptly frozen into law, beyond the possibility of executive alteration. After which comes moving day, chaos, demoralization, resignations, slow restoration, and, finally, some solid improvements and a few unforeseen and now irremediable difficulties. And then stagnation for fifty years.

The right way is the reviving of the Taft efficiency and economy commission, plus a continuation of the President's war-time powers to rearrange departmental functions. Then can follow, week after week, presidential orders, based in many cases on interdepartmental compromises and agreements, a seriatim process extending over several years, subject to frequent amendment and adjustment, and never entirely ceasing. Such would be an evolutionary process instead of a revolutionary; an intimate, intelligent development, instead of long-distance, ignorant interference.

II

Was there ever so complete a simultaneous contrast in the working of a political device as was seen this spring in the way the presidential primary operated in the two great parties? On the Democratic side we saw almost no use of the primary. The candidates were not afield before the people; they ignored this opportunity and method of gathering up delegates, and although the greater part of the population now may vote officially for delegates to the convention, few Democrats in this country had the opportunity to do more than ratify an uncontested, uninstructed machine-picked delegation to San Francisco. The device did not work well or ill; it simply did not work at all.

On the Republican side we saw the most satisfactory committee-of-the-whole that has yet been known in a presidential year at this stage. Never have the rank and file of a party enjoyed such a chance to stand up and be counted for their favorites.

By the Democratic experience the still-novel presidential preference primary could be proved a farce; by the Republican experience it could be proved an institution of great promise.

To be sure the primary, even among the Republicans, was a fragmentary, intermittent and inconclusive affair, not binding upon Chicago, and the nominee may yet be some one not in sight before June. Money counted heavily, for to canvass the greater part of the United States, even in the simplest homespun fashion, is an expensive job, and the mere task of getting one's name on the ballots in all states takes such a staggering amount of organization that none of the candidates achieved it. Myriad voters went to the polls only to find that no delegates favoring their candidate were running in the precinct. In some states the primary came too early; perhaps it was too early in all the states, asking for opinion before opinion had taken form. The holding of the primary on different dates in the respective states, however, must have greatly facilitated the work of the campaign managers.

All told, the Republican primary performed important service in putting candidates through their paces, and inducing an earlier crystallization of public opinion.

The Democratic politicians, great or small, can work their own unencumbered will at San Francisco; the Republicans start with conflict, and the politicians who deplore the embarrassing presence of opinion in a political convention will be sorely vexed, though not controlled, by those big straw votes of March and April.

It may be safely predicted that future years will see a progressive reduction in the discretion allowed the conventions, but the presidential preference primary will need a lot of technical improvement first.

III

In practically all the city-manager cities a feature of the record is the relative permanence of tenure of the municipal administrative officers below the manager, and the frequency with which occasional vacancies are filled by promotion. In Dayton, for example, when the city manager resigned, the place was filled by promotion of the head of the department of public works, the latter place being likewise filled by promotion. Recently, the post of director of finance became vacant and was filled by the promotion of the city manager's secretary, and the secretaryship thus vacated was filled by promotion of a departmental secretary.

These changes seemed to have been accomplished on both occasions without the participation of the whole political fraternity of the city. District political clubs were not "recognized" or affronted. The manager's office was not jammed with influential friends of candidates. There are certain city-manager towns in which this would not be true, but, on the whole, the Dayton experience is reasonably typical.

Richard S. Childs.

DETROIT REFORMS ITS CRIMINAL COURTS

BY HERBERT HARLEY

The simplification of the machinery and procedure for convicting criminals, as achieved by the Detroit unified court bill, is the first actual installation of the principles of court reform developed by the American Judicature Society of which the author is founder. :: :: ::

People who hope to see criminal law administered efficiently are requested to keep an eye on Detroit. For the first time in the history of any considerable American community, we have now a city with adequate criminal court machinery. On April 5, 1920, the people of Detroit adopted, by a vote of more than three to one, the unified court bill enacted nearly a year before by the Michigan legislature.

The new court is a consolidation of two former courts. It possesses every kind of criminal and quasi-criminal jurisdiction. It will have no competition in its field. For the first time we have the instance of unified power and responsibility in criminal law enforcement.

I

Until this time Detroit has had two criminal courts—the recorder's court, with two judges, and the police court, with three judges. The former court had jurisdiction of felony and city ordinance cases and the police court of misdemeanors.

These two courts were expected to co-ordinate their work, though created as two independent tribunals. At least considerable co-ordination and co-operation would be necessary to efficient services. This grew out of the fact that both courts had to participate in felony cases. The police court was expected to prepare the felony case for trial in the recorder's court. The law did not use this language. It provided for a preliminary hearing in the lower court. With a full measure of co-ordination these two independent bodies might have made a fair success in spite of the division of responsibility. But, of course, a full measure of co-ordination was an impossible thing. There may be some American cities where the magistrates and the higher trial courts do co-operate faithfully and effectually, but they are rare. The abrupt break in administration and responsibility between preliminary examination and trial was all to the good of the criminal; it could not possibly expedite trial or strengthen the people's case.

Another disastrous gap between these two arms of justice arose from the possibility of appealing misdemeanor cases for a new trial in the recorder's court. Real criminals always appealed; they filed bogus bonds and were free to ply their vicious pursuits until the day of retrial, if it ever came. Two trials quadrupled the criminal's chance for escape.

We say "criminal" advisedly. Of course most of the people arrested and arraigned were not real criminals. But Detroit, as it outgrew its court machinery, became the center for a large number of professional criminals. Such crimes as snitching (purse-stealing), burglary, robbery, safe-cracking and automobile stealing became extremely common, indicating that crime in that locality had become a profitable business. The courts became so cluttered with cases and appeals, they were so utterly unable to adopt efficiency methods, and crime figures mounted so rapidly, that it became apparent that something would have to be done, and that speedily.

II

Of course various remedies were proposed. All but one of the judges wanted to keep up the system as it was, and merely add more judges to the courts. They looked upon their social sewage system as necessary to a modern city.

But Detroit has a large contingent of citizens who have become proficient in city government. Under the leadership of their Citizen's League they have made over their school board and their city government in the last two years, and with significant results.

After conference with the American Judicature Society a criminal court plan was adopted. The society recommended the unification of all the judges of Wayne county in a single court, of which one department would exercise all criminal jurisdiction. There are strong reasons for believing that the criminal court business should not be divorced from the rest of judicial administration. But complete unification was too big a program, and called for too much delay. So it was decided to try a unification of the criminal courts, which would meet with less resistance from vested interests.

The bill did not affect the tenure of the two judges of the recorder's court, but they nevertheless fought it unrelentingly. It did wipe out the police court, but one of the police court judges, Judge William M. Heston, nevertheless gave loyal support to the measure.

The fight in the Michigan legislature illustrates very well what an obstructive power a mere handful of politicians, when entrenched in judicial office, can exert in a legislature, though discredited in the minds of practically all decent citizens. The opposition to the court bill was almost wholly sordid and selfish, the remainder being sheer ignorance. It was a fight on behalf of crime of every kind as an incident to official prerogative. The few opponents, representing in reality the interests of some hundreds of thieves, bootleggers, murderers and pimps, made such a resourceful fight that the court bill became the dominant issue in the 1919 session. It finally squeezed through after numerous modifications and with a referendum clause which prevented adoption for nearly a year.

But the enemies of the plan merely dug a pitfall for themselves. Their opposition dramatized the whole matter, so that Detroit had to make good or be hopelessly disgraced. It had the great advantage of bringing out good candidates for the unpopular office of police court judge at the election coming after the passage of the act, and before its adoption. Judge Heston was reelected and another friend of the new act, Thomas M. Cotter, was elected, to succeed a judge who was as fond of reform as the devil is of holy water.

What the bill really did was to kill the police court and give its jurisdiction to the recorder's court, at the same time increasing the staff of this court from two to seven. The crooks and the politicians aligned with them fought the adoption of the act, but the vote stood 106,132 to 30,617, a sufficient triumph for the Citizens' League.

Governor Sleeper then appointed the three police court judges to the new court, and also Harry Keidan and Pliny W. Marsh. The appointments were made regardless of political interests. Two of the former magistrates are in sympathy with the reform. Judge

Keidan has had long experience as first assistant to the Wayne county prosecutor and is held in high esteem by the local bar. Judge Marsh, as counsel for the Citizens' League, was more largely instrumental than any other person in securing passage of the act. He was induced to accept the appointment only after it became apparent that his refusal would split the ranks of the reformers.

III

The new court will have a chief justice, with the usual administrative powers. The accustomed practice of having a preliminary examination in felony cases will be continued, but the examination and the subsequent trial will be only two stages of a single operation. The two judges thus participating will be judges of one court, of equal powers, and equally interested in getting results. When trial follows directly after the examination, as it should, unless a special reason for delay is disclosed, there will doubtless be many more waivers of examination.

There will be no second trial of misdemeanor cases on appeal. To avoid the possibility of mistakes, the act provides for reopening the case within a reasonable period, for trial by jury, in cases in which there has been a conviction without a jury trial. Thus the deserving will get at slight effort all that could be got formerly through appeal, and the undeserving will be kept from making capital out of the transfer of cases from one court to another.

There will of course be a classification of causes so that judges can become highly expert in the various kinds of cases and the law which applies. The division will doubtless be mainly along functional lines. A good example of this practice is offered by the domestic relations courts, which take all the offenses which affect the integrity of the family. Another example is the automobile court, in which all violations of traffic laws are prosecuted.

The Detroit court is the only one of its kind. It will have to do some pioneering. It will have to keep records and to a considerable extent be guided by these records in testing various systems of administration.

IV

In every criminal prosecution there must be good faith, expertness, promptness, and co-operation between all the factors upon which the state relies, if the law is be taken seriously by evil-doers. The principal factors are the police, the jailers, the prosecutor's office, the judge, the jury and the people's witnesses. Weaken any link in this long chain and there is a lowered efficiency for all. Remove one link and criminal justice is paralysed. The weakest link in the average American city is the criminal court of first instance, the magistrate's court, where misdemeanors are tried and examinations are held in felonies. This is the mean little court with small salary, short and uncertain tenure, close political attachment, sordid, inefficient, partisan, which is in truth the most important court in the entire community.

Its failure to punish for the lesser offenses directly increases the number of serious crimes. If its work in preparing felony cases is slipshod or crooked it becomes a matter of slight importance whether the higher trial court is or is not honest and efficient. Its work is prejudiced in the court of first instance. And between the two is a dark alley infested by professional bondsmen with their bogus wares, hungry lawyers, jury-fixers and all the connivings of a very real criminal world.

It is this gap in the chain which accounts for most of the foolish waste of energy in criminal prosecutions. It is closed in Detroit's new court. Sometimes the police are inefficient, sometimes the prosecutor's office has to play politics, and sometimes judges are careless or crooked, but nine-tenths of the waste is due to the gap in the court system. This is the reason for believing that Detroit's new unified criminal court will show the way to a practical solution of the problems of criminal law enforcement, failure in which in nearly all American jurisdictions has been insidiously undermining our faith in law and government and all human institutions.

A SHORT-BALLOT VICTORY IN NEW YORK

BY RAYMOND V. INGERSOLL

Secretary, City Club of New York

I

Orthodox American traditions favoring diffusion of governmental powers still find an anchorage in the entanglement of our legislative bodies. So it seems, at least, after watching the brief legislative career of the New York reconstruction program.

A non-partisan commission appointed by Governor Smith had recommended constitutional changes providing for the short ballot, centralizing in a few great departments the widely scattered administrative functions, lengthening of the governor's term and establishment of the executive budget. Prominent Republicans had helped to produce the plan, which in fact had its root back in the New York constitutional convention of 1915. It was endorsed by most of the strong chambers of commerce and civic bodies throughout the state.

At first the leaders of the legislature said with commendable frankness and disconcerting emphasis that they would have nothing of this plan. They spoke as men having specialized knowledge of our sprawling and shapeless state system. Its spider web intricacies appeared to embody to them an interesting achievement of human ingenuity. Knowledge of it was a trade secret not to be discussed too lightly even by such experienced public men as Governor Hughes and Senator Root. To make the structure more simple, more direct, more effective, more understandable, seemed to be a crude idea to be treated with the scorn which experience so often offers to good intention. Added to this was the proper degree of hostility during a presidential year toward anything with which a governor of the opposing party had been connected.

But because of the increasing needs of the state and of boasted accomplishments in sister commonwealths, the occasion was ripe. The demand for attention became more insistent. Reconstruction was the word, and counter measures must be introduced which would reconstruct, though in an opposite direction. So the politicians set their wits to work and we saw a delightful array of inventions and a consistent exhibition of their theory of government as they would have it if they could have it their way. First came a bill which would take the highways, canals and other engineering functions out of the reach of the governor and place them under an elective commissioner of public works.

Then came a sister bill proposing to abstract the great state institutions—prisons, hospitals for the insane, etc.—and place them under boards or regencies appointed by the legislature. These measures at least would not have the vice of "exalting the chief executive at the expense of the legislature." But these bills showed little vitality. Neither, however, was there any activity with the carefully prepared bills of the reconstruction commission.

Among legislators the current view of preserving the law-making dignity is to hold as much power as possible over the departments and over all local administrative affairs, postpone discussion of important measures, and allow a huge indigestible mass of bills, great and small, to drift into the closing week of the session when the leaders can decide and when they can enforce their decisions through the caucus and by use of their life and death power over local and private bills.

In this case, fortunately, the leaders relented a bit when notice had been served of a motion to discharge the committee. As a few of their favorite members and clerks had been doing valuable work on legislative budget-making, no ground was given as to an executive budget. But a rather curious set of alternative proposals were finally introduced for shortening the ballot and centralizing the departments. Each of these proposals borrowed much of the language of the original reconstruction amendments. Each, however, while giving a list of about twenty departments, left out the essential restriction against the creation of additional departments and floating commissions—a restriction without which it would be impossible to get the scheme of centralization even started. This omission was so absurd that it had to be modified. Similar was the fate of a characteristic provision in these new bills that all the governor's chief appointees should be removable, not by the governor but by the senate!

There were a number of other objectionable details both of substance and of draftsmanship. Some were finally eliminated while others remain. The fate of all was determined hastily by a few men during the pressure of business at the end of the session. An important improvement was made on the final day by taking advantage of an accident. By some slip two of the three alternative bills appearing on the calendar were discovered to be identical in language, and their sponsors were persuaded that the one simple way to differentiate would be by bracketing an objectionable feature out of one of them.

The method was needlessly obscure and difficult. But something substantial was finally accomplished. The next legislature will have before it for second approval three alternative amendments, each providing for the short ballot and departmental consolidation and emboding fully four-fifths of the departmental program, as originally recommended. This is the fact though the newspapers have been slow to discover it. Considering the mixture of obstruction and fanaticism which characterized the session it is a rather notable result.

II

The best of the three alternative amendments and the one most likely to pass the next legislature (1921) by reason of departmental opposition to certain features of the others, provides as follows:

Secretary of state, state treasurer and state engineer and surveyor (now elective) made appointive by the governor.

State comptroller's large administrative powers which made him almost a rival of the governor in his control of patronage, transferred to departments under the governor, leaving the comptroller simply as an elective auditor with a small office.

Various important but much neglected boards made up of minor elective officers, ex officio, abolished.

The present 187 boards, commissions and bureaus consolidated into twenty-one logical departments whose heads for the most part are to be appointed by the governor with the consent of the senate and subject to removal by the governor "in a manner to be prescribed by law," which is likely to mean the requirement of senatorial consent in certain cases. No additional departments may be created hereafter. The legislature varied from the reconstruction commission's bill by dividing the department of taxation and finance and adding the superfluous department of architecture.

The alternative bills left the state treasurer elective and provided for a certain impracticably large department to handle state institutions.

If passed by the 1921 legislature the amendment will go to the popular referendum in November, 1921, and if accepted the legislature of 1922 must assign the existing divisions to the new departments but the minor state officers elected in 1920 will hold to the end of 1922. The shorter ballot will first be seen in the November election of 1922.

Unless there should be a special session the executive budget will suffer a delay of two years. Time, and a lively increase of taxation, are working in its favor. It is to be hoped that another legislature equally intent upon preserving its own dignity may seek that end through an open and generous discussion of this and like questions of general import. But while waiting for that day of perfection efforts may be made to secure such occasional good results as adverse circumstance will permit.

RAILROADS IN A SOUND CITY PLAN—A STATEMENT OF PRINCIPLES

BY CHARLES H. CHENEY AND OTHERS

At the National Conference on City Planning in Cincinnati in April this analysis of the principles that should govern the control of railroads in relation to city development was presented on behalf of the committee on railroads of the American City Planning Institute

1. Unified control and operation of all standard railroad lines within the limits of any city is essential both to the requirements of modern business and to the convenience of the public. It should be brought about with as little delay as possible, at the same time providing opportunities for expansion both of trackage and terminals, in connection with a well considered plan of city development. Means should be found and taken for persuading or compelling all railroads entering the city to connect up with such a unified system at the city limits. The entire question of railroad service should be considered as a whole, not with relation to one system or one part of the city only.

2. The present wasteful and needless duplication of lines and terminals inside of city limits cannot be permitted to continue. Many cities can show millions of dollars spent in unnecessary duplication of passenger stations when the same sums expended in added industrial lines would have increased both the business of the carriers and the prosperity of the city. This is a useless drain on the railroads, resulting in additional cost of operation, for which the public pays. It is a needless inconvenience to the public which can be remedied at comparatively small cost by proper co-operation in planning by both the city and the railroads. Voluntary action on the part of one road is not to be expected and generally impracticable. The city, with the aid of the state or national government, holds an advantageous position to undertake bringing the railroads together for such intra-city unification.

3. All shippers within the city should be free from dependence on one road for cars. In some cities shippers now have to maintain needless additional warehouses on a second line in order to insure prompt delivery of cars on the first line. This is a wasteful expense which must be added to the cost of shipping and doing business, particularly where a perishable product is involved.

4. All spurs and industrial tracks within the city limits should be "common user" tracks, served by a belt line connected with all main lines entering the city, a fair pro rata return being made to the original owner of each line for such use.

5. Municipal ownership of intra-city lines is probably not necessary, provided there is unified control. Expansion of existing terminal companies to include all lines within city limits is probably the most economical, quickest and easiest method of accomplishing unification in most cities. New trunk lines should be allowed to hook on to the city terminal lines at the city

limits, at any time in the future. This would provide for competitive lines through the country without cutting the city into further pie-shaped sections, or causing further blighted areas to property within a block or two of each side of the railroad right of way, through a city, as at present.

6. Provision of complete modern business facilities is essential to all industries. Railroad service, while important, is not the only one of these facilities necessary. Protected industrial districts or zones appropriately and conveniently situated, free from hampering residential requirements, with wide heavy hauling pavements, high pressure fire protection, extra large sewers for industrial wastes, etc., as well as unlimited spur tracks, are necessary in any city of consequence, and many of the progressive cities of the country have already established such zones. The fullest co-operation between the city and the railroads is necessary to make the facilities in these zones most useful in the development of business. Once such zones are established both railroads and shippers can feel safe in concentrating large investments for permanent ultimate service, not otherwise justified.

7. One of the greatest opportunities for railroads to cut down expenses and freight rates is by simplification of terminals. On most of the big roads it costs as much to get a car of freight out of the city limits, as it does to haul it 250 miles or more on the main line. Some roads report as much as 35 per cent of their total freight cost in handling at terminals (from reports of O. W. R. & N. railroad to Oregon public service commission). This is by far the biggest single item to the railroads in their cost of doing business. A small saving, therefore, in terminal handling, should effect a considerable amount of saving in freight cost and should be welcomed by railroads and shippers alike.

8. "Whatever the origin or destination, a merchant or manufacturer should be able to receive and ship at the freight station which entails the shortest team haul."[1]

9. Adequate expanded classification and freight yards must be provided in every city as part of its future plan and as an adjunct of industrial development. These yards should have long areas uninterrupted by grade crossings and preferably located at one side of or on the outskirts of the city, away from the probable expansion of business and main street traffic lines.

10. In cities which have water-borne commerce, whether coast or inland ports, rail and water terminals should be considered as a single rather than as separate problems; co-ordination of facilities for both methods of transportation should be insisted upon in the interest of the public and of the carriers themselves.

11. The relation of the railroad to the street system of the city should be carefully worked out. The value of the railroad to the prosperity and the very life of the city should be recognized. Wide heavy hauling pavements to freight terminals, docks, and the industrial zones are equally essential and form a natural and important complement to the greatest use of railroad facilities. Direct and amply wide traffic thoroughfares should lead to all principal passenger and freight stations.

12. The elimination of grade crossings on both steam and electric rapid transit lines is essential to public safety and convenience, to prevent the interruption of traffic and for the proper conduct of business. The problem of grade crossing eliminations should be

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[1] George R. Wadsworth in the *City Plan*, edited by John Nolen, p. 266.

studied in the most comprehensive way and not in a piece-meal fashion, even though the execution of the work is to be carried out gradually.

13. The fullest co-operation should be given cities by the railroads in planting and improving the appearance of borders, of rights of way, yards, bridges, viaducts, stations and terminals within the city limits. Much of the present damage to adjacent property values and rentals can be done away with in these matters, at reasonably small expense, by closer working together of railroad officials, park boards and other city officers.

14. These fundamental considerations in the relation of railroad terminals to city development we respectfully commend to railroad officials, city plan commissions, state public service commissions, and to the distinguished members of the interstate commerce commission, with the conviction that the grave questions of economy and public policy involved merit their fullest concurrence and co-operation.

THE MASSACHUSETTS BUDGET PROCEDURE BEGINS TO WORK

BY LUTHER H. GULICK

New York Bureau of Municipal Reasearch

Many states have what they call executive budgets but in numerous cases the officials evade the spirit and purpose of the new procedure. In Massachusetts, however, the budget, despite some bad organization, is beginning to work out as intended, and there is visible progress toward sound finance. :: :: :: :: :: :: :: :: ::

Massachusetts has made great advances during the last two years by adopting a state budget system and by undertaking the reorganization of the departments and boards. It was the purpose of the budget system to make the governor who is responsible for administering the government of the state also responsible for drawing up the financial plans both as to expenditures and as to revenues. The reorganization of the departments was undertaken as a means of eliminating overlapping boards and commissions, and of centralizing in the governor the responsibility for the management of the business of the commonwealth.

The only trouble with these reforms lies in the fact that they did not go far enough. The constitutional convention lost its courage. The elected governor's council, which should have been abolished, was continued to block and check the governor and to split up his responsibilities. The secretary of the commonwealth, the treasurer, the attorney-general, and the auditor were continued as elective officials, serving still further to divide executive responsibility. To cap the climax, the legislature of 1919 fixed the terms of office for the appointive department heads so that they outlast the man who appoints them, thus robbing the governor still further of power to control the administration. Under these circumstances, a governor who is stripped of the powers necessary to make him a "chief executive" can hardly be expected to have an administrative policy or to express such a policy in a budget. The planning must be left to the various department heads, to the supervisor of administration, the governors budget officer, and to the committees of the legislature. The failure to make the governor the actual "chief executive" has made it impossible as a practical matter to hold him fully responsible for the budget.

Governor Coolidge's budget for 1920 calls for appropriations totaling $39,300,000. This is a third of a million dollars less than the governor's recommendations for 1919. It is eight millions more than the recess committee budget of 1918. It is clear that Massachusetts is swinging back to a peace basis after three years of war finance. Almost $30,000,000 has been spent by the commonwealth for purposes directly connected with the World War. This does not include the increased appropriations to meet the higher costs of service and materials.

APPROPRIATIONS OF OTHER STATES

During the last ten years the increase in appropriations in Massachusetts has been tremendous. The same is true of other states. New York increased from $36,592,000 in 1909 to $95,627,000 in 1919, or 161 per cent. Illinois went from $20,330,000 to $62,111,000, or 205 per cent. Massachusetts jumped from $12,859,000 to $56,755,000, or 341 per cent in the ten years.

This great increase in Massachusetts is due primarily to the liberal policy Massachusetts has adopted toward its soldiers and sailors. No other state in the Union has gone so far in pouring out its treasure for the sake of the men who entered the military and naval service of the nation and for their dependents. During the year 1919 alone, $20,200,000 was appropriated for this purpose. If this sum is deducted from the 1919 appropriations, to make the comparison with New York and Illinois fair, the ten year increase for Massachusetts is reduced to 184 per cent, or about half way between the ten year increases for Illinois and for New York.

The 1920 appropriations for New York will exceed $130,000,000, an increase of $35,000,000 or practically 35 per cent. The 1920 estimates for Massachusetts actually show a decrease from the 1919 expenses of 27 per cent, or $14,272,000.

WAR EXPENSES AND REFORMS CAUSE MASSACHUSETTS INCREASE

The total annual appropriations for Massachusetts show a gradual increase from 1909 to 1916, followed by a sharp increase from 1916 to 1919. The major part of this last increase is due directly to the war. The balance is attributable to the increased costs of service and materials, the expansion of state functions and services, and to two important financial reforms. Though it may seem strange to list financial reforms as the cause of increased appropriations, this is true of the pay-as-you-go policy and of the requirement that no payments shall be made from the treasury without appropriation. The pay-as-you-go policy has been enforced since 1917 except for certain short term war loans. Governor Coolidge's budget for 1920 calls attention to the fact that this policy has already resulted in a decrease of requirements for debt service.

Until 1917 various state departments were permitted to expend certain revenues which they collected without specific appropriation by the legislature. This was true, for example, of the motor vehicle fees. In 1916, it was found that $5,000,000 had been spent during that year alone without specific appropriation. Legislation passed in 1917 and 1918 and the constitutional budget amendment of 1918 have ended this practice by requiring all receipts to be paid into the treasury and by prohibiting their expenditure without annual appropriation. This reform has caused an apparent increase in the total appropriations without causing an actual increase in the expenses of government.

GOVERNOR COOLIDGE'S RECOMMENDED APPROPRIATIONS

Economy is the controlling policy of the governor's 1920 budget. As a result, the total appropriations for Massachusetts for 1920 will show a decrease of some 20 per cent below those of 1919. In spite of this policy, however, salary increases for the lower paid employes and the higher costs of supplies have required the allowance of $2,000,000 more than in 1919 for the maintenance of the state departments and institutions. In the field of capital outlays, the governor has eliminated "all projects except such as appear to be particularly urgent or will undoubtedly produce economy in maintenance." Large public work projects have been postponed, and in the case of one institution a request for mechanical coal handling machinery is refused, but in its place a smaller allowance is made for the installation of experimental oil burning apparatus. This indicates the extent to which the supervisor of administration has gone in the criticism of departmental estimates.

THE GOVERNOR'S REVENUE PROGRAM

Along with all other public and private organizations, Massachusetts faces a serious revenue shortage. The governor and his budget staff, therefore, were forced to adopt every expedient to secure a balance between expenditures and revenues. As originally submitted the governor's revenue program fell short of his recommended expenditures by $1,300,000. Even so, he had included in his estimated revenues the proceeds from the sale of the great drydock which had been built at public expense in Boston Harbor, amounting to $3,100,000 as well as an alleged surplus in the sinking funds of $800,000.

WAYS AND MEANS COMMITTEE REQUESTS BUDGET REVISION

The governor's budget was referred to the house committee on ways and means. By mutual agreement in 1920, for the first time, the senate and the house committees sitting jointly heard and revised the budget. In previous years the two committees had acted separately. The joint consideration of the budget in 1920 set an important precedent in American state budget procedure.

The joint committee found itself in a difficult position. The governor's revenue program not only contained some rather questionable recommendations but fell short of his expenditure program by $1,300,000. The first step taken, therefore, was to secure information. The auditor and the treasurer were asked to study the sinking funds and to present a statement of their condition in detail. The auditor was ordered to examine the financing of the drydock and to state how it had been paid for and whether bonds were still outstanding against it. The attorney-general was then asked whether there were constitutional objections to the governor's plan of using the drydock funds for current revenues. These investigations showed that though there was a problematical surplus in the sinking funds, it was largely offset by the depreciated value of certain railroad bonds; that there were still bonds outstanding against the drydock, which had been financed primarily through bond issues; and that, in the opinion of the attorney-general, the bulk of the drydock funds could not be credited to the general fund because of a constitutional amendment ratified in 1918.

These facts, and the public criticism of the budget which they aroused in the press, left the governor's budget high and dry. The ways and means committee, in order to guard against executive evasion of responsibility for the budget, addressed the governor, requesting that he "submit to the general court a supplementary budget containing a statement 'of all taxes, revenues, loans and other means' by which the expenditures recommended in his original budget message shall be defrayed." In other words, the legislature notified the governor that his original budget was unsatisfactory and unsound and that under the constitution it was "up to him" to take the responsibility for preparing a genuine budget and submitting it to them.

THE REVISED BUDGET AND ITS LEGISLATIVE CONSIDERATION

The governor revised his budget following the policy outlined by the ways and means committee. Instead of recommending the misappropriation of capital funds he now faced the music and urged the legislature to increase the direct state tax from $12,000,000 to $14,000,000, and dropped the indefinite "special taxes" and substituted additional levies on inheritances and on corporation incomes. Nothing was said, however, about the sinking funds.

The legislative consideration of the expenditure program was uneventful. The committee found few items that could be eliminated or reduced below the governor's and the supervisor's figures. The general appropriation bill was debated several days in each house, and though a few amendments were made, it is safe to say that the leadership of the joint ways and means committee was unquestioned.

THE 1920 PRECEDENT

The outstanding facts of this experience with the 1920 budget in Massachusetts are:

1. Executive responsibility for the budget has been maintained through the insistence of the joint ways and means committee, though the governor's revised budget followed, rather than led, the committee.
2. The detailed legislative consideration of the budget was under the leadership of the ways and means committees of the two houses acting *jointly* instead of separately.
3. The expenditure program of the governor's budget was even more satisfactory than in previous years—an indication of the accumulated experience in the office of the supervisor of administration which prepares the budget for the governor.
4. The expenditure program for 1920 is one of economy, while the revenue program calls for fairness in the handling of capital funds and for taxes adequate to meet the current needs of government.

THE FATE OF THE FIVE-CENT FARE

XI. THE SITUATION IN PITTSBURGH

BY GEORGE J. SHAFFER

The principles and powers that should control a traction crisis in any city were worked out by our committee on public utilities in the pamphlet Supplement with the April issue and the Pittsburgh story is a perfect object lesson of the perils of deviation from the proposed standards. :: :: :: :: :: :: :: :: ::

"This valuation is the key to the whole situation. When the Public Service Commission fixes the value of the railways properties it will have unlocked the door to the new order of things in Pittsburgh's rapid transit situation."

The foregoing quotation may be said to have been fairly representative of the sentiment of those of us who watched what we believed to be the death throes of Pittsburgh's transit octopus in its struggle with the city and surrounding municipalities.

And now, March 23, 1920, that the Public Service Commission has fixed the valuation—not upon the basis of historical cost, not upon prices ruling at times of construction, nor yet upon the estimated cost of reproduction at average prices for the ten years, 1906 to 1915 inclusive (which latter was the basis agreed upon by all parties before the engineers valuation board shortly after it began its seventeen months sitting)—but upon the basis of the abnormal war prices of 1914 to 1918, with apparently some allowance for depreciation, giving the company millions more than it would have been glad to accept when the contest started, now, I say we are greatly disappointed and feel like the traditional prophet in his own country.

THE TRACTION TANGLE

The Pittsburgh railway system embraces over 600 miles of single track, about one-half within and the other one-half outside of the city limits, controlling and operating through leases or through stock ownership by itself or its parent, the Philadelphia Company, practically all the electric transit facilities of Allegheny county with its million population, and extending beyond into Washington and Beaver counties.

Over 200 distinct companies have existed in the 70 years history of Pittsburgh's Street Railway system. The three great units comprising the present system are the Consolidated Traction Company, controlling practically all the lines between the two rivers, excepting the Second Avenue line (and comprises more than one-third of the mileage); the United Traction, comprising all North Side lines, Second Avenue lines and the old South Side lines (also over one-third the mileage), and the Pittsburgh railways proper, controlling through stock ownership and leases a number of disconnected properties, which are in turn united through the leasehold control by the railway company of the other two great Traction properties.

The outstanding bonds of these three systems aggregate $52,815,500; the outstanding capital stock, $103,475,250, total, $156,290,750.

The commission, in its valuation report, says:

"Deducting all duplications arising from common stock ownership, it would appear that the capital issues of the respondent and its underlying companies, stocks, bonds and car trust certificates, now amount to about $156,000,000. *This sum, admittedly, is so out of proportion to the value of the operated property on any theory of valuation presented to us, that it stands in the way of a material improvement required in street car service in the city of Pittsburgh.*"

Of this $103,000,000 of capital stock, the Philadelphia Company (which also controls the natural and artificial gas and electric light and power monopolies of the city), owns over $75,000,000 according to its own reports; and of the outstanding bond issues of $52,000,000 it owned according to its report of March 31, 1918, approximately $11,000,000—altogether $86,000,000 out of the total of $156,000,000 outstanding stocks and bonds.

The astute owners of some of the underlying important companies refused to lease their lines to the Pittsburgh Railways Company unless the rentals, which were based so as to pay dividends upon an excessive capitalization, were guaranteed by the parent, Philadelphia Company. This was done, and many thousands of dollars had to be made up by the latter on its guarantees.

And read what a great Philadelphia lawyer, as counsel for bondholders of the United Traction Company (one of the three great units) says about the Philadelphia Company, in a bill in equity filed in the United States district court in Pittsburgh against the railways company and Philadelphia Company shortly before appointment of receivers, wherein it is charged that the latter, through the former, as its agent, under its lease of the United properties, had dismantled the power houses of the United and bought power from its own Duquesne Light Company; had permitted rolling stock to go to the scrap heap in violation of its lease, without replacing it, excepting by cars owned by the railways company, and that it had generally looted the property to the detriment of the bondholders of the United.

He says on page 17 of his bill:

> Your orator avers that the Philadelphia Company, for its own profit and advantage, has so dealt with the property and franchises subject to the lien of your orator's mortgage as to destroy their value apart from the rest of the Philadelphia Company's system, and has thus effectually appropriated them to its own use by depriving your orator's remedy by foreclosure of all practical value. Your orator shows to the court that, because of the said course of dealing of the Philadelphia Company, neither the bondholders themselves nor any outside purchaser could afford to buy the mortgaged properties at foreclosure sale; and the Philadelphia Company, but for the intervention of this court, would be in a position to acquire on its own terms all the properties affected by the default. On information and belief, your orator avers that the occurrence of said defaults is part of a deliberate plan to default on many interest payments as the same mature on other bonds *to bring about a receivership of the Pittsburgh railways,* and so compel your orator and all other bondholders to submit to a reorganization upon such terms as the Philadelphia Company may dictate.

Nevertheless, in the face of all the foregoing, all of which, with exception of the equity proceeding, is recited by the commission itself, the commission blithely dismisses the complaint as to the Philadelphia Company in these words:

> The Philadelphia Company, on July 19, 1918, filed an answer admitting that it was a holding

company owning the entire capital stock of the Pittsburgh Railways Company and part of the capital stock and other securities of other companies which were named as respondents, but it denied that it was engaged in the street railway service, or that it was subject to the jurisdiction of this commission, and prayed that as to it the complaint might be dismissed. The evidence discloses that the facts are as alleged in the answer, and the complaint as to the Philadelphia Company must, therefore, be dismissed.

THE BREAKDOWN IN SERVICE

Pittsburgh's wretched street car service has been a byword throughout the country for years with its archaic type of cars taken over from the underlying companies nearly 20 years ago, many of them then in service for years, many of them still in service; its poor roadbed, particularly in the outlying districts, though by no means limited to those portions; its overcrowded cars; the refusal to issue universal transfers, this being particularly annoying because of all lines looping in the downtown district, making it impossible to pass through that section to other parts of the city, cut up as it is by the three rivers, without the payment of two and, in some instances, three fares.

With its great burden of over capitalization and excessive rentals from the very beginning, the railways company management faced a situation which made it impossible to serve both the public and the securities holders, and, as the latter were the more insistent and had power of more direct pressure, the public must needs suffer.

But, when in addition to its original burdens of 1902 there was added, a few years later, the extravagant rentals under the leases of the Mellon lines (The Monongahela Traction Company), extending from the East End out into the various boroughs and townships east of the city and south of the Monongahela river (which rentals the parent, Philadelphia Company, was compelled to guarantee), all parties realized that only in a receivership, and many of us believed only in public ownership, could the public ever have relief from this intolerable condition.

As to the effect of the payment of these excessive rentals and other fixed charges, and consequent failure to put money back into the property and maintain it in proper condition, permit me to quote from the report of Bion J. Arnold, on the Pittsburgh Transportation Problem in 1910. On page 55 of his Report, he says:

> Depreciation Account. During the eight years the present company has been in control, only about one million dollars of its earnings have been put back into the property to take care of renewals, whereas the deterioration of the property due to causes other than ordinary wear and tear has been going on at the rate of at least a million dollars per year. While several million dollars have been expended by the company for renewals during this period, this money, which should have been taken from earnings, was not available owing to the high fixed charges (rentals) which were agreed upon at the time of the consolidation of the various underlying companies constituting the present system operated by the Pittsburgh Railways Company. It was apparently necessary, therefore, for the present management of the Pittsburgh Railways Company to raise this money by adding it to capital account, with the result that possible permanent improvements, such as new cars and better tracks—for which it could otherwise have been expended—were delayed. This failure to take care of renewals out of earnings is one of the chief causes of the present defective condition of the property.
>
> Cumulative Effects. It will be seen that the longer this situation is allowed to drift the greater becomes the accumulation of difficulties, in fact they accrue at what might be termed a compound rate. Rebuilding follows redesign, capital is added to capital, combination follows competition, operating losses follow non-paying extensions, rentals in the form of guaranteed dividends are paid to take over prior leases, capi-

> talization increases and stock is issued as collateral for guaranteed bonds, wear and tear is neglected until the equipment becomes either practically scrap or an excessive burden for repair, depreciation is not recognized and obsolescence of equipment is followed by constantly growing losses of possible patronage due to inefficiency. A falling off in business is followed at once with a withdrawal of cars, which causes a still further reduction in patronage. Next comes the cutting down of the expense of cleaning, of inspection and of repair, and more cars break down and drop out of service, general dissatisfaction takes the place of pride, and the riding habit of the community is reduced to the demands of actual necessity. Thus if something is not done to check the cumulative results of these serious defects, the usefulness of the railway as a public utility will rapidly diminish.

I may say that the situation was "allowed to drift" down to the time of the appointment of the receivers and to a very large extent continues to "drift" to this day.

A PRE-ARRANGED RECEIVERSHIP

On April 22, 1918, a bill in equity was filed by a small creditor in the United States district court at Pittsburgh, praying for the appointment of a receiver for the Pittsburgh Railways Company, and on the same day, by prearrangement, the company filed its answer admitting the facts alleged and joining in the prayer for receiver. This was without any notice to the city, but counsel for the city, learning of the application by chance, requested recognition on behalf of the city in appointment of receivers. The request was ignored and Judge Orr, on the following day, appointed as receivers James D. Callery, H. S. A. Stewart and Charles A. Fagan. Mr. Callery was chairman of the board of the Pittsburgh Railways Company, was vice-president of the Philadelphia Company, and, subject, of course, to the absentee landlords of both, has always controlled the railways company policy. Mr. Stewart was president of the most important one of the underlying companies which absorbs $228,000 a year from the Pittsburgh Railways Company in rentals. The chief concern of these two receivers so long as they continued in office, if one may judge from the records of the court, was to continue the policy that had bankrupted the company, for in the first seven months they were in office they had paid in fixed charges nearly $1,400,000, going into court regularly every month, and sometimes oftener, for authority to pay those charges (excepting for the first $140,000, which was paid without authority), while, in the same period they appeared but twice in court and secured authority to spend for improvements less than $400,000 and then only when forced to do so by the demands of the war and navy authorities, so that munition workers might not be unduly delayed.

So much for our hopes of relief through a receivership.

However, the pressure of protest in court and open criticism became so great that in December of that year these two company officials resigned as receivers and were replaced, the one by the president of the railways company, and the other by a man of public spirit and recognized business ability. The group as now constituted has shown a far higher degree of interest in the upbuilding of the system than the group as formerly constituted, but I am more impressed with the fact of their repeated demands on the city authorities for relief from performance of franchise and other ordinance obligations such as paving between the tracks, street sweeping charges, bridge tolls, etc., than I am with their trying to secure relief from the overwhelming fixed charges, such as interest, rentals, etc., which have bankrupted the company.

THE THREAT OF DISINTEGRATION

Ever since the complaint against the company was filed by the city before the commission in 1917 and particularly since the city intervened in the receivership proceedings in 1918 the great bugaboo of "disintegration" has been constantly waved before the public eye; that is to say, we have been told in court and out of court that if the old bankrupt-tending policies of paying the fixed charges first was not continued, defaults in interest and rentals would necessarily occur which would result in foreclosure of mortgages and cancellation of leases on the various underlying companies, thus breaking them up into their separate units, compelling them to be operated as such on each one of which the riding public would be compelled to pay a separate fare.

To my mind there are four absolutely conclusive answers to this absurd threat:

(a) Ownership by Philadelphia Company.

(b) The bondholders.

(c) The guaranteed leaseholders.

(d) Operation as unitary system recognized by all.

First, let me say that so far as the fare-paying passenger is concerned, the company has always maintained the three great distinct companies. He gets no transfer from the United to the Consolidated, or conversely, or from either to the Pittsburgh railways proper, or conversely, except in a few isolated instances. I would not have you think I overlook the transfers to and from the crosstown line from the downtown business section of Pittsburgh across the Allegheny river to the business district of old Allegheny city, now the north side of Pittsburgh, which was finally established a couple of years ago after protest and demand for many years.

I can conceive of no amount of disintegration going beyond these three great units. However, let us look at the threat in its extreme phase of disintegration into the 50 odd entities which maintain their active corporate existence:

(a) The Philadelphia Company owns practically *all* of the capital stock of the three great units and through them the stock of the underlying companies. In addition it has a large ownership of the bonds of the railways company and the underlying companies. According to its own reports its total investment exceeds $32,000,000—more than half of the excessive valuation placed upon the total property by the commission. In addition to this it has guaranteed the principal of other bonds of the underlying companies, amounting to $2,625,000, on which the interest amounts to $131,250 every year. It has guaranteed rentals on the leases from the Monongahela, the Suburban Rapid Transit, and the Birmingham lines, making a total of $652,250 annually in guaranteed interest, and rentals which the Philadelphia Company must pay if the Pittsburgh Railways Company fails to do so.

In the face of these obligations it is inconceivable that the Philadelphia Company would permit a breaking up or disintegration into such a great number of operating units, which would unquestionably cut the already too low riding habit of Pittsburgh (50 per cent of Detroit, Cleveland and other cities) in two, and unlike Job the latter end would be worse than the former.

(b) The bondholders realizing, as shown in the bill filed in the equity proceeding above mentioned, that since their respective lines were leased to the railways company nearly 20 years ago the latter had abandoned and dismantled their respective power houses, had so neglected the rolling stock where it had not been sent to the scrap heap, that it was practically worthless; that all new equipment operating over the lines was in the name of the railways company, either actually or nominally, and that altogether about all that is left to secure their mortgage bonds is the proverbial "two streaks of rust," would hesitate to foreclose on such a prospect, but would follow the lead of the United bondholders into court and demand that the Philadelphia Company pay for that which it had appropriated.

(c) The guaranteed leaseholders, which are all with one exception, companies which do not have franchise rights extending to the downtown section of Pittsburgh, would not cancel for two reasons: (1) because of the Philadelphia Company's guarantee; and (2) supposing there was no such guarantee, a cancellation of lease and operation as a separate unit by any or all of these outlying companies, would quickly land them high and dry with greatly reduced business and consequent reduced income.

Lastly, under the practice that has grown up in this country (1) by company operation, (2) by the riding public, and (3) the administration of such properties as one by the Public Service Commissions and the courts, it is inconceivable that the courts sitting in equity would permit the structure to be so torn apart with disastrous results to all.

This bugaboo, nevertheless, seems to have been waved by the company before the commission, with the desired effect, for the latter in its Valuation Report in denying the lower figure contended for by the city, says:

> Upon such a valuation the receivership would no doubt continue until foreclosure of mortgages disintegrated the unified system and left the city and vicinity with a number of separately owned street railway companies, each charging fares to care for the public. Such a situation is unthinkable, and, by this report, we believe that we have laid the foundation for all that the complainants may desire or the public may require.

PITTSBURGH'S LEGAL DISABILITY

Pittsburgh is unfortunate in that it lacks authority to acquire its street railway facilities by condemnation, the same as it may take houses and lands for its public purposes by paying a fair and just value therefor.

The city of Philadelphia (which is a city of the first class) has such right where it proposes to operate the railway. The city of Pittsburgh (of the second class) has the power to acquire street railway facilities in every other way excepting condemnation and, therefore, will be at the mercy of the Traction combine in the matter of negotiation for the acquisition of these properties when the time comes, unless its powers are enlarged by the legislature as above indicated. The constitutional bonded debt limitation will have to be removed in so far as it governs the acquisition of property used for public purposes, as was done in the case of Philadelphia. This lack of power to condemn street railways properties on the part of Pittsburgh was submitted to the last legislature for correction, but no action was taken.

THE VALUATION REPORT

Coming back again to the commission's valuation report,—it seems to have unlocked a sort of revolving door through which they have guided us, not to the promised land of betterment, but on around and back into the same wilderness of bankruptcy and poor service which we had expected to leave forever.

The railways company's own reports and exhibits show that for some years they have been paying dividends in the form of rentals on over 16½ million of stock and interest on bonds amounting to $46,500,000, or on a total of approximately $63,500,000 capitalization, in other words, the company by its own action and payments for years has recognized the validity of about $63,500,000 capitalization in the form of stocks and bonds and this, mark you, has produced bankruptcy,—not by payments and rentals at the rate of 7 per cent, which our Public Service Commission has recognized as the proper allowance for the use of capital, but by paying interest and rentals at an average rate of about 5½ per cent. The natural question, therefore, is if the payment of fixed charges at 5½ per cent on $63,500,000 produced bankruptcy, will not an attempt to collect and make a return to capital of 7 per cent on $62,500,000 be equally productive of bankruptcy?

It is rather interesting to note that on page 20 of the commission's Valuation Report as printed, the commission calls attention to the fact that the company needs $4,200,000 with which to pay its annual fixed charges, which amount is 7 per cent on $60,000,000, the best approximation to the valuation of $62,500,000 fixed by the commission that I can find in all the mass of valuation figures, either in the commission's report or the engineers' report to the commission.

Utterly ignoring the agreement by the Board of Engineers which furnished all the data to the commission, that the unit prices to be applied to the inventory of the property in ascertaining its reproduction new cost should be the average prices for the ten years, 1906 to 1915, inclusive, which, when ascertained, put a value of $56,000,000 without deduction of allowance for depreciation, the commission frankly say that in their opinion a basis of unit costs over the years 1914 to 1918, inclusive, amounting to $73,560,000 is the better basis.

The Board of Engineers in its report to the commission had found an accrued depreciation on Basis 3c (the one adopted by the commission) to be $16,845,200, which, deducted from the valuation basis of $73,560,000, would leave a net valuation of somewhat over $56,000,000, yet the commission chooses to ignore these depreciation figures and seems to prefer a valuation which will insure bankruptcy.

The basis agreed upon by engineering conference known as Basis 3a produced a valuation of $56,000,000; against this the engineering board found a depreciation of over $12,000,000, leaving a net value of between $41,000,000 and $42,000,000. Yet the city authorities were willing to have the valuation fixed at $48,000,000, surely a generous margin.

The commission say that it is quite obvious that it will require approximately $10,000,000 to provide for improvements and deferred maintenance; yet there is no word to indicate that the company will be required to provide these funds out of this war-time valuation figure of $62,500,000.

One may readily understand why the public should be asked to pay additional fares to pay heavier operating expenses due to war-time conditions and which the company must pay to continue its operation, but why a valuation at war-time prices for construction and rolling stock, *which the company has never been required to pay*, should be saddled on the backs of the people for all time either as a basis for a fair return to capital or as a basis of value for eventual acquisition by the public is hard to understand. In other words, not only have our fares been increased to pay higher cost of operation and maintenance under war-time conditions, but for the future we are to pay a fare which will yield sufficient to operate, maintain, repair and renew the system and also to yield 7 per cent to capital upon the theory that the Pittsburgh railways system of 600 miles never had any existence prior to January 1, 1914, and was built during the five war-time price years of 1914–18 inclusive.

An official of the company frankly admitted, since the receivers were appointed, the impossibility of private management proving successful in Pittsburgh Street Railway matters, and that public ownership with taxation to make up the deficit was the only solution. We, therefore, were not surprised at the strong effort on the part of the company to have the high valuation fixed which would be used as a basis for eventual unloading on the public, but we did not anticipate this action on the part of the Public Service Commission.

The commission, in its report after listing certain recommended action looking to betterments, says: "These improvements will require thoughtful and broad-minded co-operation between the municipalities and the company."

When it is remembered by the people of these municipalities that this same commission solemnly declared in a case between the same parties that a public service corporation's franchise obligations are not binding upon it; and when, after years of wretched service, they are asked to submit to a valuation burden of over 25 per cent above fair value, one is constrained to ask, How long is this imbecility on the part of the public to continue which permits private ownership of public utilities?

How many times must a man set out for Jericho and be picked up for dead before his action is recognized as being "thoughtful and broad-minded co-operation ?"

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Parliament and the Taxpayer. By E. H. Davenport. London: Skeffington and Sons, 1919. Pp. xviii, 256.

The Great War brought home to the English people two disturbing facts about their public finances. The first was that the budget of the future will have to provide for a revenue not less than four times as large as the revenue in 1913. The second was that under the existing fiscal system the House of Commons is totally incapable of supervising the expenditure of the enormous sum thus to be extracted from the pockets of the taxpayer. Early in the war parliamentary surveillance of the estimates—already recognized to be inadequate—became the merest formality; and while it was accepted as more or less inevitable that in such times huge credits should be voted without discussion, and practically without examination, the House of Commons became considerably stirred up on the situation and began casting about for remedies that could be applied after peace was restored, if not sooner.

The upshot was that, in June, 1917, a select committee on national expenditure was created, under the chairmanship of an ex-postmaster general and ex-home secretary, Mr. Herbert Samuel, and charged with the full investigation of the national expenditures and the methods by which they were authorized and carried out, and with making recommendations relating to control within the spending departments, by the treasury, and by Parliament. This committee worked diligently, and within a little over twelve months it presented thirteen reports, which comprise an invaluable body of materials for students of fiscal and budgetary systems no less than for lawmakers and administrators. The secretary of the sub-committee which dealt with the finances of the war office was Mr. E. H. Davenport; and he has sought to present, in the volume under review, an account of the work of the general committee, with an appraisal of the committee's findings and recommendations. Mr. Samuel himself supplies a luminous introduction.

Of eight chapters into which the book is divided, four trace the development of parliamentary control over national expenditure from the Plantagenet period to the close of the nineteenth century, two describe the existing system, and two discuss, in the light of the committee's reports, the changes that are desirable and feasible. The historical chapters cover familiar ground and seem to have been written in haste. Hence they are not particularly valuable. But the others are original, painstaking, clear, and decidedly helpful.

The principal recommendations of the committee—with which Mr. Davenport is in full sympathy—are: (1) that the forms of the estimates and accounts shall be simplified, standardized, and made more easy of comprehension; (2) that the annual estimates, on being received from the treasury, shall be referred to two standing committees of the House of Commons, which shall submit reports before discussion on the floor of the house begins; and (3) that motions to reduce estimates, unless touching fundamental matters of policy, shall not be considered as entailing a censure of the government. In these ways, chiefly, the power of the House of Commons over appropriations, it is urged, might be substantially increased, without interfering with the proper functioning of the justly praised budget system. The United States apparently stands at the threshold of an era of budgetary reform, and it is to be hoped that the work of Mr. Samuel's committee will come to be widely known among legislators and other public men on this side of the Atlantic, even if only in the form of the epitome contained in Mr. Davenport's little book.

Frederic A. Ogg.

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Workingmen's Standard of Living in Philadelphia. By William C. Beyer. New York: The Macmillan Co., 1919. Pp. 125.

This little study, based on 260 families, was made by the Philadelphia Bureau of Municipal Research to furnish a basis for determining the wages to be paid city employees. Under the direction of Mr. Beyer, Miss Rebekah P. Davis and Miss Myra Thwing, whose names appear as joint authors, made the actual investigations.

They did most of the actual work themselves checking their results with certain other available studies. The methods used, and the general outline closely parallel the well-known study of Chapin in New York City.

The book contains little discussion of the findings. The schedules used and the index occupy over one-fourth of the space. The balance consists largely of statistical tables with very brief comments.

The peculiar merit of the volume lies in the attempt to get away from prices of commodities to a statement of the actual amounts of shoes, hats, groceries, etc., used by the typical family of five, two adults and three children. These statements are based on records kept by the families although it has been found necessary to supplement these with estimates in many instances. If we accept the conclusions as reasonable it will be relatively easy to determine the cost of living at any time and place for families of similar standards.

With prices as they were in the fall of 1919 the authors say that the family of five should have an income of $1,636 per year. The families studied—203 of the 260 being native born—had an actual average income of $1,262. Just what sacrifices this fact entailed on the families of lower income is not discussed.

The following recommendations are made:

"1. That the city government of Philadelphia, acting through the finance committee of council or through the civil service commission, adopt the standard of living herein outlined as a basis for ascertaining currently the amount of a living wage for manual workers.

"2. That the cost of this standard be ascertained at least once a year by the city government, preferably just before budget-making time.

"3. That in fixing the wages of manual workers above apprentice grade no wage be made lower than the ascertained cost of this standard.

"4. That at least once in five years a new investigation be made with a view of modifying the standard so that it will conform to any changes which may have taken place in the living standards of workingmen's families.

"5. That standards of living similar in general outline to the one herein suggested for manual workers be devised for other occupational groups to serve as a basis for adjusting the rates of compensation to these groups."

Whatever the attitude taken towards the recommendations or towards the estimates, the authors are to be complimented upon their thorough, careful work. They have made a real contribution to our knowledge of the subject.

Carl Kelsey.[1]

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Housing and the Housing Problem. By Carol Aronovici. Chicago: A. C. McClurg & Co., 1920. Pp. 163.

This slender little volume is a welcome addition to our all-too-scanty American housing literature. The publishers state the purpose of the National Social Science Series as being "to furnish for busy men and women a brief but essentially sane and sound discussion of present-day questions." Dr. Aronovici's book is well adapted to this end. Its analyses and deductions are, moreover, worthy the careful attention of serious students.

Using so small a canvas, one has the choice of treating a detail intensively or the whole landscape sketchily. Dr. Aronovici has chosen the latter course and has included in his picture, not only the housing problem in its totality, but the adjacent phenomena of town planning, land, taxation, and transportation. Land especially attracts him. He devotes a whole chapter to it, besides much incidental attention in the other chapters. He points out to the advocates of the single tax that, unless safeguarded by zoning and districting provisions, especially in regard to the height of buildings, the single tax would actually have the effect of increasing congestion instead of lessening it. If these safeguards are furnished, however, he believes the exemption of improvements from taxation would be very beneficial. In fact, he regards it as fundamental.

While the author gives due credit to the restrictive legislation that has been developed in this country in the wake of the New York tenement house law, for much good accomplished in improving the worst housing conditions,—what he calls "pathological" conditions,—he justly concludes that a broader policy will have to be pursued in the future if the problem is in any sense to be solved. "On the whole it may be stated," he says, "that we are rapidly moving towards a recognition of the need for public funds for private housing enterprises; that the government, whether it be municipal, state, or federal, can obtain loans at a much lower rate than individual or financial institutions; that they (sic) can grant long terms and that they have or can obtain authority to control the investments in housing so as to raise the present standard of sanitation, comfort, privacy, and attractiveness which would affect the home life of the people of this country. The countries of Europe have proved that such methods may be made effective."

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[1] University of Pennsylvania.

Dr. Aronovici lays stress on the need of intelligent town planning. He devotes his concluding chapters to the English garden city idea. "The garden city," he writes, "stands as the first and most successful practical example of community building, elastic in its application to city and country alike, adjustable to the needs of private and public enterprise, economical and just in its distribution of benefits."

The concluding thought is thus expressed: "The test of the city of the future will be its adequacy in providing for the life, labor and leisure of its people, and the housing reformer will have to join hands with the city planner to achieve this great end."

Were one seeking for defects, one might complain of the inclusion of Chapter V, The Housing Survey, which takes up a full quarter of the book and constitutes a serious break in its unity. The author explains in his preface that this was "prepared in connection with classes conducted in the Graduate School of the University of Minnesota"—presumably classes in social research—while the rest of the book is based on a series of lectures on housing delivered at the University of Pennsylvania. The busy general reader, for whom the series is published, is not likely to be greatly interested in the technique of social research, and one is inclined to doubt the wisdom of trying to expound it to him, especially when there remains so much under the already extremely wide subject selected, which might advantageously be laid before him.

The important thing, however, about books as about people, is not their faults, but their virtues, and the upstanding virtue of "Housing and the Housing Problem" is its clear perception of the inadequacy of our present American formulae for its solution.

EDITH ELMER WOOD.

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GOVERNMENT ORGANIZATION IN WAR TIME AND AFTER. By William Franklin Willoughby. New York: D. Appleton & Company. Pp. 369.

Describing the organization and activities of the new agencies created by the government for war purposes is no small job, as Mr. Willoughby admits. "For years to come," he says, "the action of the United States in meeting the many problems that confronted it in the prosecution of the war . . . will furnish a wealth of material for the economist, the political scientist, and all others interested in public affairs." In the introduction, Mr. Frederick P. Keppel, third assistant secretary of war, emphasizes the same thought in suggesting the concluding chapter of the book be read first, in order to get some idea of the range and complexity of the problems confronting the federal civil agencies created for the prosecution of the war. This done, the reader will know exactly what the author is trying to do and not expect too little or too much from this volume.

Mr. Willoughby has undertaken only a brief general survey of the special war agencies, describing in a cursory way the mobilization of industry, and activities in relation to foreign trade, food, fuel, transportation, shipping, labor, finance, public information, etc. An attempt is made to point out failures and mistakes as well as accomplishments. In the same series most of these subjects is to be dealt with in detail in separate volumes to which this is a logical introduction.

LENT D. UPSON.[1]

II. BOOKS RECEIVED

ARMENIA AND THE ARMENIANS. By Kevork Aslan. Translated from the French by Pierre Crabites. New York: The Macmillan Co. Pp. 138. $1.25.

A STRAIGHT DEAL OR THE ANCIENT GRUDGE. By Owen Wister. New York: The Macmillan Co. 1920. Pp. 287. $2.

DEPARTMENT OF HEALTH. City of Chicago. Report for 1911–1918. John Dill Robertson, M.D., Commissioner of Health. Pp. 1535. $5.00.

HISTORY OF ECONOMIC THOUGHT. By Lewis H. Haney. New York: The Macmillan Co. 1920. Pp. 677. $3.50.

HOW TO BECOME A PATROLMAN. By J. J. O'Reilly. New York: The N. Y. Civil Service Employees' Publishing Company, Inc. Pp. 253.

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[1] Detroit Bureau of Governmental Research.

INTERNATIONAL WATERWAYS. By Paul Morgan Ogilvie. New York: The Macmillan Company. Pp. 424. $3.00.

LANDSCAPE ARCHITECTURE. A Comprehensive Classification Scheme for Books, Plans, Photographs, Notes and Other Collected Material. By Henry Vincent Hubbard and Theodora Kimball. Cambridge: Harvard University Press. 1920. Pp. 132.

MINUTES OF PROCEEDINGS OF ANNUAL SESSION OF MUNICIPAL ASSOCIATION OF VICTORIA. Melbourne: Modern Printing Company. Pp. 151.

ORGANIZED LABOR IN AMERICAN HISTORY. By Frank Tracy Carlton. New York: D. Appleton and Company. Pp. 313.

PROCEEDINGS OF THE NATIONAL CONFERENCE OF SOCIAL WORK at the Forty-Sixth Annual Session Held in Atlantic City, New Jersey, June 1–8, 1919. Permanent Headquarters, 315 Plymouth Court, Chicago, Ill. Pp. 813.

REPORT OF THE UNITED STATES HOUSING CORPORATION. Volume II — Houses, Site-Planning, Utilities. United States Department of Labor, Bureau of Industrial Housing and Transportation. Washington: Government Printing Office. 1919. Pp. 524.

SOCIALISM IN THOUGHT AND ACTION. By Harry W. Laidler, Ph.D. New York: The Macmillan Company. 1920. Pp. 546. $2.50.

STATISTICAL DIRECTORY OF STATE INSTITUTIONS FOR THE DEFECTIVE, DEPENDENT, AND DELINQUENT CLASSES. Department of Commerce, Bureau of the Census. Washington: Government Printing Office. 1919. Pp. 257.

THE HISTORY OF CUMULATIVE VOTING AND MINORITY REPRESENTATION IN ILLINOIS, 1870–1919. By Blaine F. Moore, Ph.D. University of Illinois Studies in the Social Sciences, June, 1919. Published by the University of Illinois, Urbana, Ill. Pp. 70.

THE HOME I WANT. By Richard Reiss. London, New York, Toronto: Hodder and Stroughton. Pp. 197. 4/net.

THE OPIUM MONOPOLY. By Ellen N. La Motte. New York: The Macmillan Co. Pp. 84. $1.00.

THE SCIENTIFIC SPIRIT AND SOCIAL WORK. By Arthur James Todd, Ph.D. New York: The Macmillan Company. Pp. 212. $2.

III. REVIEW OF REPORTS

Consolidated Rating.—As an invalid convalescent from an illness feels a desire to rearrange the furniture and to make various long-needed repairs and substitutions, so Great Britain, the war being over, has been casting a critical eye over her household and contemplating reforms and improvements. The brief document under review is a memorandum submitted to the Ministry of Reconstruction by the Council of the Institute of Municipal Treasurers and Accountants and it states the case for an important reform in local administration,—the simplification of the local taxation. Funds for defraying the expenditure of local authorities in the country generally are raised by levying a large variety of rates on different assessments, with different rules for deductions and different collection machinery. Consequently the situation is full of ridiculous anomalies and expensive complexities. Thus a single piece of property, assessed by the Poor Law Union for the purpose of providing a base for the poor rate, might have been valued at an entirely different figure had the property lain in a neighboring union, because of variations in allowances for repairs. Next this property may again be assessed at a different figure by the local government area to afford a base for the sanitary rate. Finally both of these assessments for local purposes may differ from the assessments established for the national taxes such as the Inhabited House Duty and Schedule A of the Income Tax.

The situation is one of long standing. As early as 1868 a Select Committee appointed to inquire into poor rate assessments recommended one assessment for all rating purposes and one consolidated rate for local government purposes. But progress toward this solution has been painfully slow. It is true that Scotland, under the Lands Valuation Act of 1854, already had unification of assessments—unaccompanied, however, by a consolidated rate and unification of collection machinery. London, by an act passed in 1899, achieved complete consolidation but in addition to these two instances, the reform has been established in only a few localities and by virtue of local acts.

This memorandum describes the situation, analyzes the problem and makes practical detailed suggestions for reform. The section on "the Assessment of Ratable Property" is the best brief description of the English system of local taxation with which the reviewer is acquainted. The suggestions for action are reduced to clear-cut, definite statements of the principles which it is believed should be followed.

American readers, however, will be as much interested in the form of this report as in its substance. Most of our reports do not compare favorably with the English, and an analysis of this document will reveal some of the reasons. In the first place, although the subject is large and complicated, the report is short. The writers know the trick of being at once comprehensive and brief. Superfluous, confusing, unimportant detail is ruthlessly eliminated. Again, one is struck by the manner in which emphasis is obtained without either freakishness in typography or extravagance in language. The document is admirably outlined, sub-headed, and summarized, so that the points which the authors wish to impress stand out unmistakably and the emphasis is due largely to the tone of restraint which characterizes the entire document. If there is one lesson which needs to be learned here, it is that emphasis is not achieved merely by printing a large number of adjectives, all in the superlative degree. In its form the report is a model.

Robert M. Haig.[1]

Assessor's Manual, State of New Jersey.—This manual has been prepared by Thomas B. Usher as a guide to the assessment of taxes under the New Jersey law. Thanks to his long experience Mr. Usher is able to present the duties of local assessors in lucid and non-technical form. His brief discussion of the valuation of personal and real property should be helpful to any assessor. Assessors are disposed to think that any piece of paper bearing a dollar mark is worth the sum written on it. Mr. Usher says, however, that book credits are difficult of appraisal "because the debtor may be on the verge of insolvency." He warns assessors against taking the cost of real property even with allowances for depreciation and wear as proof of its value, nor will the asking price at which a property is offered or an offer price in every case settle the value. It is the *agreed* price which the law contemplates. The manual would be useful not only to assessors but to taxpayers.

Lawson Purdy.

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[1] Columbia University.

[2] Librarian, New York Municipal Reference Library.

Civics

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Nebraska's Constitutional Convention.—After seventy-four days of deliberation the convention adopted forty-one amendments to the present constitution, which are to be submitted to the electors as separate proposals at a special election in September. From the standpoint of progressive government the convention can hardly be called a success. The executive officers of the old constitution have been retained as elective officers. Other executive heads which may be established by law are, under the new constitution, to be appointed by the governor subject to the consent of a majority of "all the members elected to the senate and house of representatives meeting in joint session." A grudging concession to short ballot principles permits officers so appointed to be removed by the governor alone. No new executive offices can be created except by a two-thirds vote of all the members of both houses, but the legislature is authorized to utilize the existing elective officers as heads of new departments.

The proposed budget amendment is brief. The governor is commanded to present at the beginning of each session "a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state for the ensuing biennium." It is sought to increase the prestige of the executive budget by the requirement of a three-fifths vote of the legislature to increase the governor's recommendations; such increases not to be subject, however, to executive veto. Remembering how trivial has been the influence of similar limitations on the power of legislatures to make appropriations for certain purposes, such as grants to private institutions, advocates of the thorough-going executive budget will hardly view the Nebraska provision as a victory.

The convention's attitude toward present-day unrest is reflected in the provision which would expressly authorize the legislature to distinguish between aliens and citizens with respect to the right to hold property. Other proposed amendments reduce the numbers necessary to invoke the initiative and referendum, decrease urban representation in the legislature by excluding aliens in computing the basis of apportionment and authorize the adoption of other methods of taxation than the property tax.

The supreme court's power of judicial review is restricted by making the concurrence of five of the seven judges necessary to declare a law unconstitutional. An effort is made to improve legislative procedure by requiring recorded votes in one house upon amendments by the other and upon reports of conference committees. How this can do anything other than add to the existing confusion and ineffectiveness of roll calls unless an electrical voting machine is adopted is hard to see.

A pamphlet showing the proposed amendments with explanatory statements and a sample ballot has been distributed to the voters.

⁂

Demand for Administrative Reorganization Brewing in Washington.—The headway made in the past few years in rationalizing the administration of state government has not been without influence upon our national law makers. A number of leaders in congress are studying the present functions and interrelations of the several departments and bureaus with a view to pressing measures for reform when congress reassembles in the fall. It is generally believed that some form of budget bill will be passed during the present session which will clear the slate preparatory to taking up consideration of administrative reorganization later.

Measures have been introduced in both houses providing for the appointment of a joint committee of congress to make a thorough study with a view specially to recommending the regrouping of the services departmentally along functional lines. The resolution introduced by Representative Moore calls special attention to the advisability of removing from the war, navy and treasury departments the several unrelated services and regrouping them under departments or bureaus of public works, education and science, public health, and maritime affairs. The existing provision regarding permanent appropriations are to be examined with a view to establishing a more consistent system of differentiating between continuing and annual grants. Present indications are that the influential members who have been active in budget reform clearly realize the next step essential to any economy program and are preparing to push it energetically. Preliminary to a probable broader program, Representative Ireland, chairman of the house committee on accounts, has introduced a bill to consolidate the bureau of war risk insurance and the public health service of the treasury department, and the federal board for vocational education and the bureau of pensions of the department of the interior into one bureau of war benefits under the department of the interior.

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Nebraska Administrative Code in the Courts.—Shortly after the code was passed petitions for a referendum were circulated, but the secretary of state refused to receive them because a complete text of the law was not attached to each petition sheet as required by statute. The circulators of the petition claimed that this was impossible since the law covered nearly 500 pages of the statutes, but the lower court decided in favor of the secretary of state. This decision, however, was reversed by the supreme court which held that the section of the statutes which requires the complete copy of the law to be referred to be attached to the petition was unconstitutional since it tended, as in this instance, to obstruct the working of the referendum guaranteed by the constitution.

At first it was thought that pending the referendum the code and the departments under it would be suspended, as is ordinarily the case with measures awaiting the vote of the people, but such was not the case. Until a final mandate is handed down the supreme court has authorized the auditor to pay all vouchers under the code, which thus remains in operation. A motion for rehearing has been made and it will probably be granted. The final order of the court will either discontinue the operation of the code or establish it permanently.

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Toledo Street Railway Vote Postponed.—At the request of the Toledo railways and light company, and upon the recommendation of the mayor, the Toledo council voted to give the street railway commission more time in which to present their draft of a proposed franchise for the company. The draft had been completed so far as the commission was concerned, but an extension of time was asked by the company in which to submit their objections on provisions involving rate of return, valuation and municipal ownership.

As a result of the postponement, all attempts to submit the two plans to the voters on the date of the presidential primaries, April 27, were abandoned. The company has offered to stand the expense of a special election at a later date, but the mayor is opposed to such an arrangement and no date has been set.

The council voted to refer the proposed franchise back to the street railway commission for further consideration, with the understanding that the company will submit its objections in writing with its substitute proposals, and that the commission will then submit another report on the matter to the district judge who appointed the commission with the consent of the council.

The municipal ownership branch of the commission now has the advantage of the recent decision of the Ohio supreme court[1] to the effect that an ordinance for the issuance of bonds to purchase a public utility is valid so long as the municipality keeps within the limits of indebtedness which cities may incur.

*

New Charter Proposed for Montreal—For the past two years the city of Montreal has been under the tutelage of the Quebec legislature, through the appointment of an administrative commission. Of late, awakened to a new interest in its civic affairs, the provincial government has recognized Montreal's desire and passed a bill for the appointment of a commission to investigate the best form of government for Montreal. This commission is to consist of two nominees from each of eight of the local public bodies, and five additional nominees, selected by outside mayors, should it be decided to draft a charter for the government of the whole island of Montreal. There is evidently doubt in the minds of some, according to the *Canadian Municipal Journal*, as to the wisdom of having the commission consist of amateurs. "Municipal administration to-day is one of the most complex problems in the government of a nation. . . . Municipal government properly carried out means not only the administration of a municipality, but the government of the community as well—that is, the local council is responsible for the social as well as the economic welfare of the citizens."

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[1] See NATIONAL MUNICIPAL REVIEW, vol. ix, p. 300.

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Old-Age Pensions for the Federal Civil Service.—The Sterling-Lehlbach bill, providing old age retirement allowances for federal government employes in the classified civil service, has been passed by the United States Senate. As amended the bill fixes the retirement age at seventy, and actuaries have determined that with 2½ per cent deducted from employes' wages the average percentage of cost over the first seventy-seven years of the operation of the act will be 35 per cent by employes and 65 per cent by the government. The highest annuity will be $720, the lowest $180, graded according to length of public service. No employe will be eligible to benefit until he has served the government at least fifteen years.

Legislation on this subject has been hanging fire before congress for years, although it has been generally agreed that it is a measure of economy and efficiency for the government, as well as a measure of simple justice to the old men and women who have given a lifetime to the public service. The responsibility and the opportunity for early action on this meritorious measure is now with the house of representatives at Washington. The house committee reported the original bill favorably last July.

⁂

City-Manager Plan Advocated for Des Moines.—After a twelve-years' trial of commission government, a campaign has been inaugurated in Des Moines, Iowa, to change to the city-manager form. The proposal is in compliance with the expressed wishes of practically 75 per cent of the voters of the city. Since the adoption of the Des Moines plan, taxes have practically doubled; the city's bonded indebtedness is up to the limit and the present year was entered with an overdraft of $900,000. Many people charge that the commission plan has practically plunged the city into bankruptcy and are seeking relief in the city-manager plan. The type of citizen which has sought election as commissioner also comes in for criticism. The salary of $3,000 and the honor of the office has not been sufficient incentive to attract men of broad business experience. The only contention among those advocating a city manager is whether to return to the ward plan of electing a council of seventeen members, which will select the manager, or to adopt the commission-manager plan by which the commission will be elected at large. C. D. HELLEN.

⁂

Commission-Manager Government Recommended for Manila.—After seventeen years' association with the municipal government, Fred L. Patstone, city engineer of Manila, has proposed the adoption of the commission-manager form of government for that city. This recommendation was made in a report to the governor-general of the Philippines upon Mr. Patstone's retirement from public office in March. In his report he points out that the necessity for a new form of municipal government has only become apparent in recent years. The old order, which has obtained almost to the present day, he says, must give way to modern business methods. Mr. Patstone makes a strong plea for this change in order to insure the execution of adequate plans for the filling of low lands, permanent paving, water supply, school and municipal buildings, extended city limits, and other improvements which he outlines.

R. R.

II. POLITICS

Chicago Defeats Questionable Bond Issues.—Chicago voters, men and women alike, took a decided stand at the last election against all four of the proposed bond issues, aggregating $34,500,000, sponsored by the city administration and intended to provide better street lighting, additional bridges, improved parks and playgrounds and a municipal convention hall. Civic organizations united to defeat the project. Advocates of the plan admitted that the issue would exceed the city's legal borrowing limit by about $33,000,000, but if approved it was intended to go before the constitutional convention and point out that the people wanted the stringent borrowing limits removed. If this effort had failed, however, the bond issues would have served as a bar upon the city's further borrowing power for years to come. The people, however, seem to believe that the present is a favorable time to begin the practice of municipal economy. The newspapers pointed out that bonds to the amount of $46,000,000 have been already authorized but no work begun as yet on the undertakings involved.

⁂

Detroit's Plan for Municipal Ownership.—Detroit prefers Mayor Couzen's plan to construct a municipal street railway system to the alternative plan submitted by the Detroit United Railway. The former received 63.6 per cent of the votes cast at the recent election on this issue, 60 per cent having been necessary to make the plan effective. Bonds to the sum of $15,000,000 have been authorized to build and equip the municipal system.

The voters believed that D. U. R. had not fulfilled its obligation to make extensions which were sorely needed and turned to public ownership for relief. No new lines will be built to parallel existing privately owned ones, and the city's lines will be operated as an independent, complete system. The decision, however, to operate two separately owned and competing lines will hardly be considered a permanent solution of Detroit's traction difficulties.

⁂

Recent Elections in Milwaukee returned Mayor D. W. Hoan, Socialist, to office, and fourteen Socialists to the council along with seventeen non-partisans. While the numerical strength of the Socialists in the council remains the same as before, their proportionate strength is increased since the council has been reduced from thirty-seven to thirty-one members. At the same election the initiative and referendum was invoked for the first time. After failure of council to act upon a proposition which would group the public buildings in a civic center, a popularly initiated measure, providing for the civic center project, was adopted by referendum.

⁂

Cleveland Voters Discriminate between Bond Issues.—A proposed bond issue of $15,000,000, sponsored by the Rapid Transit commission, to build a subway system for Cleveland was defeated at the spring election by a vote of three to one. The city will now have to resort to more modest schemes of improvement of its traction service. At the same election the hospital bonds carried, but the jail bonds were defeated.

⁂

Sedition Laws Attacked by Bar Association.—Sweeping condemnation of the so-called Lusk bills, which have since passed the New York legislature, intended to bar the Socialist party from participation in the politics and government of the state, is found in a report of the committee on amendment of the law of the City Bar Association of New York. The bills are termed revolutionary in character and "an echo from the days of George III." They may be considered as the aftermath of the expulsion of the five Socialist members of the assembly. Briefly, the bills provide that if information be presented to the attorney-general that a political organization, otherwise entitled to recognition as a party, advocates principles which tend to the destruction or subversion of existing government, he must institute proceedings in the supreme court. If the political organization shall be found to be of the character alleged, the court shall deny it the right to recognition as a party. Members of an ostracized party who shall have been elected or appointed to a governmental body or board may be excluded by a majority vote of the body or board; and it becomes the duty of the attorney-general to begin proceedings to restrain a disqualified person from undertaking the duties of the office or to compel the forfeiture of the office to which he has been elected or appointed. The defendant will thus be debarred from the right of trial by jury on the subject of his qualifications.

The law committee's report calls attention to the crude draftsmanship of the bills. The subversive "principles, doctrines or policies" may be political, religious or economic since there is no prescribed standard by which they are to be weighed. Doctrines which tend to the destruction of "rights, privileges and institutions secured under existing constitutions" may refer to the single tax, the repeal of the eighteenth amendment or to rent limitation laws introduced in the same legislature. Besides being an attempt to gag citizens by unconstitutionally depriving them of the right of franchise, the report asserts that the proposed legislation imposes a political power on the courts and concludes: "To rest judgment on the length of the chancellor's foot has for centuries been regarded as monstrous."

The same committee also registered a vigorous protest against the education bill which also passed the legislature. The essential features of this bill are that it forbids private schools to operate except under license of the board of regents, which shall not be granted unless the regents are satisfied that the instruction proposed shall not be harmful to the public interest; and that the commissioner of education is empowered to revoke the certificate of any teacher in the public schools if, in his opinion, the teacher is not "loyal to the institutions of the United States and of the State."

The above measures now await action by the governor, whose attitude is problematical. The state constitution takes notice of the iniquitous legislative practice which congests the closing days of the session by allowing the governor thirty days after adjournment in which to approve or veto measures passed by the legislature.

III. MISCELLANEOUS.

Wisconsin Township May Subsidize Medical Attention.—Enterprising officials of a township in extreme northwestern Wisconsin have evolved a plan whereby medical practice in their sparsely settled community will be made more attractive than heretofore. Realizing that inability to obtain medical assistance during fatal illnesses of loved ones reacts unfavorably upon the state and local government authorities, they proposed a tax levy sufficient to provide an annual retainer of $1,000 for a physician who shall practice in the locality. Although the proposition was defeated at the polls by a small majority, another campaign will be waged, which it is believed will result in a favorable vote. It was proposed to bond the township to build a physician's residence in which he could reside, rent free. In return the township board was to reserve the right to regulate the fees charged by the physician. A part of all fees collected for service outside the township was to be turned into the township treasury. In this connection it is said that there are many communities throughout the country that are without physicians.

*

An Ideal Home Exhibition was recently held in England under the auspices of the *Daily Mail.* Although a commercial exposition intended to show the advantages of various devices and materials for home building, distinguished bodies such as the Royal Institute of British Architects as well as the Ministry of Health participated. The most novel of the newer methods displayed is known as compressed green wood construction. The principal material used is elm wood, the long neglected and cheap hard wood of which there is such an abundant and convenient supply in England. The one essential is that the timber be wrought immediately after leaving the saw while yet green and soft. After seasoning, the elm assumes a rocklike hardness. The secret of success, therefore, is speedy construction which has best been secured by complete standardization of the cottages in which this material is used.

*

The General Federation Magazine, for April, the official organ of the General Federation of Women's Clubs, reflects the increasing interest of women in civic affairs in that it is devoted largely to the subject of civics. Special attention is given to women's new civic responsibilities and relationships.

*

Middletown, Ohio, Claims Attention.—By the use of every modern device known to campaign promoters, this town of 30,000 inhabitants recently raised a community fund of more than a million dollars. The purposes to which the proceeds will be put are of interest in that several of them are such as would usually be left to taxation. They include:

Necessary additions to Middletown hospital;

Assistance to the board of education in increasing the compensation of teachers of the public schools;

A new system of parks and playgrounds;

A new home for the girls' club;

A fund for the public library;

A community memorial building;

Permanent headquarters for the Middletown post of the American Legion;

A new Y. M. C. A. building.

Such financial assistance to the city commission as that body may need for conduct of its affairs pending the proposed remedial legislation affecting taxation.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES—DIXIE, BIRTHPLACE OF THE IDEA

BY HARRISON GRAY OTIS[1]

This is the second installment of a comprehensive study as to the working out of the city manager plan. The country has been covered sectionally. "Dixie" will be followed by "City Managers in and around Ohio." :: :: :: :: :: :: ::

NORTH CAROLINA

North Carolina is placed second in the list of southern states as it now has nine manager municipalities of which seven have adopted the plan by charter. Two of these, Hickory and Morganton, were among the first three commission-manager cities in the country.

Goldsboro attracted nation wide attention in 1917 by its methods of advertising for a city manager which yielded a total of *522 applications*. Gastonia, with a population of some 12,000, cast but three negative votes in the election by which the manager plan was adopted in 1919,—a ratio of 54 to 1.

Plan Very Popular

High Point. Population, 14,000. Council-manager charter effective May, 1915. R. L. Pickett, the third manager, appointed March, 1919. He succeeded Thos. J. Murphy who reported: "Since May, 1917, we have constructed over 100,000 yards of pavement with concrete base and asphalt top; have built an Imhoff Septic tank of large capacity; have increased our school equipment materially; have purchased a large capacity fire engine, and triple combination truck and gas pump; have secured an appropriation of several thousand dollars from the county to complete paving the main thoroughfares in the city; have built several miles of sewer lines and have extended our water system and installed an additional pump. Our city was in mud and had to get out."

A recent letter from the mayor of High Point advises that the new plan is very popular. "Work goes on very smoothly and there are few complaints and little friction between the different departments of the city."

Taxes Low—Efficiency High

Goldsboro. Population, 11,000. Council-manager charter effective July, 1917. I. M. Cashell, the second manager, was appointed October, 1918; salary, $3,300. In spite of the increased costs of labor and materials, Goldsboro operated last year within its budget and without higher taxes. All salaries have been raised and the police service has been improved with a marked increase in law enforcement. All houses in the city have been systematically numbered, at the expense of the owner.

A new thousand gallon pumper has been added to the fire equipment thus relieving the strain of high pressure from the entire city mains. Motor equipment is being provided for the fire department and the filtration plant capacity has been increased 50 per cent by the addition of a new filter unit. Over seven miles of sewer mains are under construction and ten miles of new water lines are being laid. Practically every house in Goldsboro will then be provided with sewerage and water service. The cost of this improvement was covered by bonds which sold above par. Over $400,000 is being spent for paving, streets thirty feet wide, sheet asphalt on concrete base with continuous concrete curb and gutter.

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[1] Secretary, City Managers' Association.

Mr. Cashell has been trained in sanitation and public health, and marked advances have been made along these lines. Enforcement of compulsory vaccination law resulted in more than nine hundred vaccinations in one month. Six thousand dollars is being spent toward destruction of the malarial mosquitoes.

Goldsboro's tax rate is said to be the lowest in the state and there is now agitation for a reasonable increase to permit still greater improvements. The site has been purchased and plans completed for the erection of a $250,000 memorial community building, the funds being raised by popular subscription. Although the manager plan was adopted by a small number of votes, its popularity is now well established.

Record of Constructive Effort

Elizabeth City. Population, 8,925. City-manager charter effective April, 1915. The third manager, Fred W. Simonds, was appointed June, 1919, and has recently resigned. Salary limited by charter to $2,400.

Elizabeth City has had a variety of experiences under the manager plan but the last administration has been marked by many improvements and a local paper announces: "Within the brief space of two months, City Manager F. W. Simonds has established a record of constructive civic improvement unequalled in the entire history of Elizabeth City."

Among the accomplishments of the past year has been the increase of public safety by improvement of the fire and police department. The pay of the police has been raised 33⅓ per cent, the men have been required to wear regulation uniforms, have been equipped with standard firearms and provided with better headquarters. An electric fire siren has replaced the old court house bell.

Sanitary measures have been provided by new ordinances, which are being strictly enforced. The public market, consisting of twenty-four stalls, has been renovated and is yielding an annual income to the city of over $9,000. Garbage disposal has been systematized and the garbage is to be converted into pork. Street repair and general maintenance is now being handled by the city instead of by contract and modern equipment has been purchased. Purchasing of supplies has been put on a competitive basis with resultant economy.

A Saving of $30,000

Hickory. Population, 5,200. Commission-manager charter effective May, 1913. R. G. Henry, the fourth manager, was appointed February, 1920; salary, $3,000. During the first two years this form of government is credited with saving the city over $30,000. Service in all departments has been increased and appointments made without regard to politics. Over $15,000 worth of permanent improvements were constructed and paid for out of general funds and without an increase in the tax rate.

Hickory's new manager faces a heavy program of improvements including the erection of a sewage disposal plant and a municipal building. He is 28 years old and experienced in the construction of public utilities.

Thomasville Strikes Its Gait

THOMASVILLE. Population, 5,000. City-manager charter effective May, 1915. James T. Stewart, Jr., the sixth manager, was appointed September, 1919; salary, $2,500.

Thomasville probably holds the record for the greatest number of changes in the position of city manager and until the most recent appointment little progress seems to have been made. A modern municipal accounting department is being worked out and routine office procedure has been greatly improved. Efficiency is being secured by "weeding out the 'n.g.' workers." Better wages are paid to those who remain. Purchasing has been systematized; bills are now discounted for the first time on record.

In the water department, system and economy have resulted in the showing of an operating profit for the first time since the construction of the plant. The creation of an efficient fire department is under way and the police force has been raised from the level of "village constable" to a semblance of real police protection. Perhaps the biggest achievement has been the furnishing of an adequate water supply, which was badly needed. Some $130,000 worth of permanent streets are under construction. The president of the largest manufacturing concern in Thomasville writes that "the improvements made under the present management have been wonderful."

Mr. Stewart is 36 years old, and had 12 years' experience in engineering construction before becoming manager.

Unanimous Approval After Seven Years

MORGANTON. Population, 4,240. Commission-manager charter effective May, 1918. W. R. Patton, the third manager, was appointed May, 1918; salary, $2,100.

After seven years experience under the new form of government at Morganton, Mr. Patton writes: "The manager plan has a firm hold at this place and has given excellent results and I feel safe to say that were a vote taken the manager plan would carry unanimously." Last year all improvements were made by the city itself instead of by contract. Among these were the following:

150,000 square yards concrete street paving laid at $2.00 per yard.
1,500 square yards sidewalk at $1.80 per yard.
Considerable extension of the sewer system and extension of the water and light lines to reach all citizens in Morganton.
An American La France triple combination pumper chemical and hose car has been installed in the fire department.

Mr. Patton is 33 years old, a civil engineer with municipal experience.

"Best Plan Yet"

MOREHEAD CITY. Population, 3,500. Position of city manager created by ordinance June, 1916. John S. Bennett, the third manager, was appointed June, 1919; salary, $2,100.

A recent letter from Morehead City in regard to the manager plan states: "It seems to be the best plan ever tried here. It gives good satisfaction and is liked by practically all thepeople."

All electric service has been metered and the metering of the water service will soon be completed. The city is carrying on a steady program of improvements including extension of paving, water mains and sewers.

Mr. Bennett is 25 years old and was engineering ensign in the navy for 18 months.

Vote for Manager Plan 162 to 3

Gastonia. Population, 12,871. Adopted "Plan D," the North Carolina manager plan by a vote of 162 to 3, on April 16, 1919, the charter becoming effective in August with W. J. Alexander as manager; salary, $3,600. He is 56 years old and a mechanical engineer.

Tarboro. Population, 5,100. Created the position of manager by ordinance April, 1915. J. H. Jacocks is said to be manager; salary, $1,500.

SOUTH CAROLINA

To the South Carolina legislature belongs the distinction of being the first to permit a commission-manager charter. Such authorization appears in the act passed in 1912, known as the Columbia bill, granting to certain cities the right to adopt the commission plan and containing a proviso, primarily designed for use by the city of Sumter authorizing a commission and a city manager. This provision was duly incorporated in the Sumter charter which became effective January, 1913. The only two other South Carolina towns to adopt the manager plan are Rock Hill and Beaufort.

Public Kept Constantly Advised

Rock Hill. Population, 10,000. Adopted the commission-manager plan by charter February, 1915. E. R. Treverton, the second manager, was appointed December, 1919; salary, $3,600.

J. G. Barnwell, the first manager, reports: "The city has been operated within its income. Money previously costing 7 per cent has been secured for $2\frac{3}{4}$ per cent from the same institutions. Quarterly audits by reputable concerns have been instituted. The purchasing system has been centralized, and a simple, practical requisitioning plan has been successfully installed. Collections, clerical work and departmental offices have been consolidated. Modern, labor-saving devices have been installed. Offices have been built, providing for the proper safe-keeping of valuable documents and records. Vacant city property, buildings, lands, etc., have been profitably utilized by rent or use. Water and electric rates have been reduced 10 per cent. Pure, analyzed water and regulated electric current and power are supplied at all times. A five acre city park has been purchased. Public watering troughs have been installed. Reclamation of lands, hitherto almost uninhabitable, has been made by proper drainage. Grading and surfacing of numerous streets has been done. The health department has almost entirely eradicated typhoid, and carries out rigid inspections of all public places liable to decrease the health of the community.

"The public is kept constantly advised as to the progress and doings of its government, and the taxpayers are always willing to lend a helping hand to assist in public enterprises. This form of government being so simple, the taxpayers are able to see the difficulties, and to appreciate the effort the government puts forth to meet these difficulties.

"This last appeals to me as being the greatest single achievement of the commission-manager government for the people of Rock Hill. It has made a united people, behind a willing, liberal and progressive commission."

"Absolutely Free from Politics"

Sumter. Population, 10,000. Commission-manager charter effective January, 1913. W. T. Brown, the fifth manager, was appointed May, 1919; salary, $4,000.

The mayor of Sumter advises that after seven years under the manager plan he finds no opposition to the present system. He writes: "It is much easier to carry on the business of the city. It is absolutely free from politics. None of the commissioners has any political axe to grind."

He continues: "The theory of this form of government is all right and if a city can procure the proper man, who should be an all around man with large brains and a first-class business man, then it is bound to succeed. As you doubtless know, this kind of man is hard to get. We have a very good man now. We have had him for about a year and he is improving all the while."

The letter concludes: "In my opinion, the difference between a city government without a manager and with a manager is the same as trying to run a big corporation without a superintendent and with a superintendent."

Four Hundred Acres Escaped Taxes

Beaufort. Population, 3,700. Attempted the manager plan by ordinance in January, 1915, but superseded the makeshift combination by a commission-manager charter in May, 1915. The fourth manager, Hal R. Pollitzer, was appointed May, 1918; salary $1,800.

The fourth year book of the City Managers' Association reports: "Politics, which had lead to the removal of the first manager, resulting in an unsuccessful attempt to recall the majority of the city council, have been entirely eliminated from city business, and for over two years every ordinance passed by unanimous vote. Departments were reorganized, budget and modern accounting systems installed, ordinances rewritten and codified. A complete tax map put over 400 acres of city real estate back on the tax rolls and a taxpayers' card ledger will keep it there; sinking fund schedule computed, with big saving to taxpayers.

"Rigid building inspection code enforced, with the result that the annual fire loss averaged but ten cents per capita for the three years. Tennis courts, lawns and rose gardens replaced dump heaps. Vice district completely abolished for the first time on record. During the first two years city expenses were decreased 25 per cent, the saving being put into permanent improvements, an inherited floating debt being replaced by a surplus.

"Beaufort leads the cities of South Carolina in low-priced, efficient government, and a questionnaire developed the fact that of cities of her own size she has the lowest total tax rate, the lowest per capita license fees, the lowest per capita fines, the lowest bonded indebtedness and a good sized surplus.

"A $23,000 vitrified brick pavement was constructed without an increase in the tax rate and the bonded indebtedness is no higher than under the old form."

Mr. Pollitzer is 37 years old, an electrical and mechanical engineer by training and served for many years as superintendent of public works and city engineer at Beaufort prior to his promotion to the managership.

FLORIDA

Florida has to its credit six city-manager cities. Of these St. Augustine, the oldest city in the United States, was the first in the state to adopt a commission-manager charter, a unique feature of which is the provision that interference with any branch of the administration by a member of the commission is made cause for his summary removal.

Largo, population 500, claims the distinction of being the smallest city in the country to have a city manager.

No More Disturbances by Politicians

St. Augustine. Population, 6,192. Commission-manager charter effective July, 1915. Eugene Masters, the second manager, was appointed April, 1918; salary, $3,600.

Under the new plan, the city has lived within its budget at a tax rate of nine mills, the property being assessed at full value. The inherited indebtedness of $37,000 has been paid off and the city is now free from all debt with the exception of $65,000 water works bonds and has a sinking fund amounting to over $16,000 to its credit since the manager plan was adopted.

The assessment of city property on a full valuation basis in 1916 increased the rolls from $2,500,000 to $10,000,000. At first, there were "plenty of kicks," but all objection has now vanished.

St. Augustine's modern accounting system has been widely copied throughout the country. Fire and police efficiency have been greatly increased and the city rendered practically free of crime even at the height of the tourist season. During the past year the shortage and high cost of labor lead to a pronounced increase in equipment, which included a scarifier, road engine, road oiler, motor trucks and storage tanks for oil. Two miles of asphalt macadam have been rebuilt by the city at a cost of from 50 to 65 cents per square yard.

The city has established a tourists' club with headquarters for both men and women and gives weekly street dances, which attract large crowds of visitors. In co-operation with the hotel association and board of trade, the city has established bowling greens, quoit pitching, and table games in the parks, and provided band concerts for afternoons and evenings during the season. A letter from St. Augustine states: "There have been no more disturbances by the local politicians as predominated during the first year of the city-manager control and there seems to be a universal satisfaction at the manner in which the affairs of the city are conducted."

Mr. Masters is 51 years old and has held various public offices including that of mayor and tax assessor.

Good Two Months' Record

Sanford. Population, 6,000. Commission-manager charter effective January, 1920. Gerard A. Abbott, manager; salary, $3,600.

During the first two months under the new plan a very definite start has been made, as will be noted by the following summary:

An effective system of handling complaints established;
Confidence men, wire tappers, and gamblers driven out;
Back yards, alleys, and court ways cleaned of filth and rubbish;
Vacant lots and parks placed in best condition on record;
Eight model ordinances drafted and enacted;
Traffic regulations established and enforced;
Motor cycle officer employed to promote public safety;
Electrically lighted "silent policemen" installed;
Signs for tourists placed at entrances to city;
Several new street signs erected.

Operating expenses of the city reduced as follows: Cost of labor for parks, streets, and sanitation (old government), October, $1,160; November, $1,075; December, $1,043—(new government), January, $401; February (three weeks), $275.65.

The city manager has been authorized to appoint a health officer and direct his activities.

Mr. Abbott is so far the only city manager to have been promoted to his fourth city. He entered the field as village manager at Grosse Pointe Shores, Michigan, later serving as manager at Birmingham and Otsego, two small Michigan cities. He is 38 years old and had a general training in commercial law prior to entering the manager field.

"Dead Timber" Removed

TALLAHASSEE. Population, 5,637. Commission-manager charter effective February, 1920. J. W. Greer appointed manager; salary, $4,200.

Tallahassee entered the new field with three of its most successful business men as commissioners. A bond issue of $212,000 has been voted for overhauling and rebuilding its utility plants and a comprehensive program is being developed.

At the end of the first month under the new plan, the manager writes: "We are making rapid progress here. Have bought a complete new gas plant, complete new electric plant and simplified the accounting system. We have lopped off a lot of expensive and superfluous 'dead timber' thereby saving much more than the manager's salary while raising the pay and increasing the efficiency of the other employes. Our bonds are ready to sell and the interest and sinking fund will never cost the taxpayers a cent as they will be met out of the earnings of the municipally owned utilitites named."

Mr. Greer, the manager, received the appointment unsolicited, because of his record at Bryan, Texas, where he served as city manager for two and a half years. He is 52 years old, a mechanical and electrical engineer, with broad experience in public utilities.

Success Limited at Ocala

OCALA. Population, 5,610. Manager plan provided for by charter amendment February, 1918. R. M. Martin, the third manager, was appointed October, 1918; salary, $2,400.

Reports from Ocala indicate that the new plan has not met with the greatest of success. The manager writes that his work is connected with the water and light plant and that he does not consider himself a city manager although the commission has given him that title. The first two managers served but very short terms and there is a general feeling that the plan has not been given a fair trial.

Big Success in Small Town

LARGO. Population, 550. Position of city manager created by ordinance June, 1913. W. H. Turner, the third manager, was appointed March, 1918; salary, $1,200.

Largo is the smallest town to operate under the manager plan. Its methods and equipment are up to date in every way. The manager writes that in over two years he has not heard a single complaint as to the manager form of government. Things run so smoothly in fact that his commission, which is made up of business men, does not bother to meet more than two or three times a year, though they are constantly in touch with what is going on and can be called together at any time necessary. The manager is practically the whole city force and he is kept busy superintending the water works system, handling the finances, and enforcing the law. The business streets are well paved and sewer system modern.

West Palm Beach. Population, 10,000. Commission-manager charter effective December, 1919. Joseph Firth, manager; salary, $5,000.

GEORGIA

Georgia's three manager cities have adopted the plan by charter or by charter amendment.

Save $4 per Capita First Year

Griffin. Population, 10,300. City manager charter effective December, 1918, with E. P. Bridges, formerly city clerk and treasurer, as manager; salary, $2,550.

During the first year under the new plan the actual saving is placed at $43,395. Every department has improved materially over its condition under the former government.

More sewer and street paving work was done during 1919 than in any five previous years. The street improvements amounted to $180,000.

After eight months service, the manager wrote: "I have not heard a single criticism of the manager plan." In a recent letter he adds: "The present plan is becoming more popular every day."

Mr. Bridges is 46 years old and served six years as clerk and treasurer at Griffin before becoming manager.

Voters "O. K." Plan and Commission

Cartersville. Population, 5,810. Manager plan provided by charter amendment August, 1917. Abram Cook, the first manager, was appointed January, 1917; salary, $2,400.

Evidence that the manager plan is successful and popular is found in the fact that the mayor and the two commissions have been twice elected without a contest of any kind, and without a dissenting vote. This is the first time in the history of the town that such an event has taken place. Every bond issue has been carried by practically an unanimous vote. The city government "sits in on every occasion where there is consultation regarding business achievements, industrial developments, civic and public matters of any kind."

For more than two years, the Board of Aldermen has unanimously ratified every act of the city manager.

Fire risks have been greatly reduced by passage of model ordinances recommended by the Underwriters' Association, health protected by insuring pure water, money saved by constructing public improvements by city labor instead of by contract.

In concluding a recent report, the manager refers any one unhesitatingly to any man or woman in Cartersville.

Rome. Population, 14,000. Commission-manager charter effective April, 1919, with Samuel S. King as manager; salary, $3,000.

TENNESSEE

Tennessee has but two cities under the manager plan. The first Kingsport, the second Alcoa. These are both new industrial towns in the mountain region of eastern Tennessee and were incorporated under commission-manager charters.

Manager Plan as Inducement to Industries

Kingsport. Population, 10,000. Commission-manager charter effective March, 1917. Herbert L. Kidd, the third manager, was appointed April 1, 1920; salary, $4,200. He followed F. L. Cloud and W. R. Prouder.

In 1917 Kingsport consisted of two plants, one store, a dozen homes, lots of mud, no sanitation nor provision for public safety. To-day Kingsport has more than 10,000 people and is a thoroughly charming city with all modern conveniences including six miles of concrete paving. This rapid growth has placed a heavy burden upon the city administration but there is nowhere evidence of the makeshift construction observed in the proverbial boom town.

During the past year the city has laid 56,686 square yards of concrete pavement at an average cost of $1.50 per yard. This paving was constructed under standard specifications and the low price is due to the fact that the city did its own work, crushing its own rock in its own quarry, and secured its cement from a large local mill. Labor cost 32½ cents per hour. Plans for the current year include extensive paving, erection of two large school buildings, and the construction of several miles of storm and sanitary sewer.

It is significant that Kingsport's form of government is used as a definite appeal to home seekers and new business enterprises with successful results. It is reported that 100 per cent of the people approve of the way their government is being conducted.

Mr. Kidd has served for some time as city engineer of Knoxville, Tennesse.

Industrial Town Has Business Charter

Alcoa. Population, 3,500. Incorporated under commission-manager charter effective July, 1919. V. J. Hultquist, construction superintendent of the Aluminum Company of America, which built the town and for which it is named, serves as manager, for which he receives $2,000.

During the first four months under the new plan Alcoa passed forty ordinances and entered upon a program of improvements which was financed by a bond issue of $225,000. Some three miles of concrete paving have been constructed and storm sewers added to the up to date sanitary sewer system. All parts of the city are supplied with excellent drinking water. Alcoa is an industrial city with its government conducted on the plan of a successful industry.

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Employment Standardization in the Public Service

By WILLIAM C. BEYER

Assistant Director, Bureau of Municipal Research of Philadelphia

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In the civil service of various municipalities efforts have been made during the last ten years to introduce a reasonable equality of pay for persons doing equal work and provide equal opportunities for promotion through careful classification of city positions according to character of work and degree of skill required, the purpose being to make public service more attractive to promising talent. The technique of such efforts is emerging and taking shape.

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EMPLOYMENT STANDARDIZATION IN THE PUBLIC SERVICE

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The movement toward employment standardization in our public service has been gathering momentum and becoming increasingly significant during the last ten years. In the following pages an effort is made to review and in some measure to appraise the progress of this movement during the period just mentioned. The material that forms the basis of this review consists mainly of the reports on employment standardization that have been issued by various public bodies throughout the country. It consists also, however, of the supplementary literature on the subject, of letters from public officials and others describing the operation of standardization measures in their own localities, of interviews with specialists in the field of employment standardization, and of personal observation.

In order to make this review of greater value to the lay reader, it is preceded by a brief discussion of the underlying principles of employment standardization.

PRINCIPLES OF EMPLOYMENT STANDARDIZATION

Instead of making an abstract statement of these principles, let us assume a concrete situation and develop the essential principles involved as we proceed. The reader and the writer, we shall assume, are both public officials upon whom has fallen the responsibility for standardizing the service of a city government.

We shall not stop to picture the conditions in the service that call for correction. The inequalities of pay for similar work, the confusing multiplicity of meaningless titles, the lack of definite lines of promotion, and the demoralizing effect of these conditions upon the morale of the employes in the average municipal service are only too well known to require further description.

EQUAL PAY FOR EQUAL WORK

After considering these conditions from various angles, we conclude quite properly that one of the basic needs of the service is a concrete application of the principle of equal pay for equal work. If two clerks, for example, are doing the same character and grade of work, it goes without saying that they should have the same pay. This is a matter of the most elementary justice.

WHAT IS EQUAL WORK?

But what is equal work? If the two clerks just mentioned are doing exactly the same kind of work, let us say addressing envelopes, we should decide quite readily that their work was equal. But let us suppose that we are dealing, not with two, but with two hundred clerical positions, scattered throughout a score of different offices and involving a multitude of different tasks. Under such circumstances it would not be so easy to determine equality of work and to grade the positions accordingly. In fact, this cannot be done at all without some standard for measuring work. A standard of this character, moreover, is not easily devised and its application is not so simple as that of a standard of physical measurement, like the yard stick. Nevertheless it is possible to define a series of standard positions that mark the various grades in any vocational line of work so that the grade of any position in that vocational line can be determined by comparison with the standard positions.

Let us say, for example, that we are grading all positions in a municipal service involving bookkeeping work. After considering the range between the least important and the most important bookkeeping positions in the service, our first task would be to define a number of standard positions that would correspond to the various grades into which the bookkeeping work might properly be divided. Beginning with the lowest grade, we might define standard positions under the titles of junior bookkeeper, bookkeeper, and senior bookkeeper. Then we should compare the duties of each bookkeeping position in the service with these standard positions and place it in the same grade with the standard position that it most closely resembles. Thus, by following the axiom that "things equal to the same thing are equal to each other," we are able to determine what positions involve equal work and therefore should carry with them equal pay.

NEED OF STANDARDS OF COMPENSATION

After the question of equal work has been settled, it seems at first like a very simple matter to determine the question of equal pay. It is not so simple, however, as it seems.

Let us suppose again that of our two clerks one is receiving $1,200 a year and the other $1,800 a year. We propose to equalize their salaries. How shall we go about it? Shall we pay both clerks $1,200 a year, or shall we pay both $1,800; or shall we decide upon some third figure? Obviously if these clerks are to be treated at all fairly we must be guided by some standard of adequacy. That standard may be determined either by the current market value of the services rendered, or by the cost of maintaining a given standard of living, or by a modification of either or both of these two methods. The essential point is that some standard of adequacy must be used in the process of equalization.

THEORY OF THE RANGE OF COMPENSATION

Let us suppose again that of the two clerks mentioned above one has been in his position for a number of years and has attained a high degree of efficiency in performing his duties, whereas the other, while having exactly the same kind of work to do, is still a novice in his job and consequently not as efficient as his colleague. In this case absolute equalization of pay would not be fair to the more experienced worker. It would not, in fact, be equal pay for equal work, but equal pay for work that is essentially unequal because of the manner in which it is performed. Justice to both workers, therefore, would require a lower rate for the one and a higher rate for the other, even though their duties may be exactly the same. In order to give recognition to this difference in the value of services rendered by different persons in similar positions, our standard of compensation should allow for some variation of rates within certain fixed limits. Instead of a standard flat rate there should be, for any given class and grade of work, a standard *range of compensation* providing standard minimum, maximum and intermediate rates. This is not an alteration but rather a refinement of the principle of equal pay for equal work, for it takes into account not only the nature of the work but also the manner in which it is performed.

NEED OF STANDARD QUALIFICATIONS FOR APPOINTMENT

Having arrived at this point in our standardization program, we should be short-sighted indeed if we did not perceive the next logical step to be taken. Equal pay for equal work must be followed by equal minimum qualifications for appointment. If, for example, an elementary course in bookkeeping is properly required for appointment to one position involving the duties of junior bookkeeper, it is purely a matter of fairness and of common sense that an elementary course in bookkeeping should be required for appointment to all other positions involving the duties of junior bookkeeper. We, therefore, prescribe for each standard position the minimum qualifications that applicants should possess to be eligible for appointment to that position.

OPENING OPPORTUNITIES FOR CAREERS

In standardizing personal service, however, it is not enough to achieve simply a static equality in conditions of employment. The work of any organization ought to be planned in such a manner that it will offer, not merely jobs, but careers to those entering its service. In other words, the process of standardization ought to establish definite avenues of promotion. Each standard position in a vocational group ought to serve as a natural stepping stone to the next higher position in that group, and with every advance in position there should go a corresponding advance in pay. This feature of standardization brings about the necessity of *classifying the service along vocational lines*, a task not so easy as it may appear on the surface. In a large organization the work of employes is likely to be highly specialized, whereas in a small one the individual worker's scope of duties is usually much broader. In a large office, for example, we might find the clerical work performed by three distinct groups of specialists—stenographers, bookkeepers, and clerks. On the other hand, it is not at all uncommon in a smaller office to find a single person employed in the combined capacity of stenographer, bookkeeper, and clerk, simply because there is not sufficient work to keep three specialists fully occupied. That these conditions have a vital bearing upon the problem of classification is obvious. Where the service is highly specialized the classification may follow very narrow vocational lines, such as those of stenography, bookkeeping, typing, and clerking. Where it is not so highly specialized the classification must be made along broader lines. A suitable plan of classification can be determined only after a careful survey of the service to be standardized.

GAUGING THE PERSONAL EQUATION

Finally, it is desirable in standardizing employment to provide means of gauging the personal equation. If we are going to recognize a difference in the value of the services rendered by different workers in similar positions, we should have a way of measuring this difference. For example, if we determine that the salary scale for a junior clerkship shall be $1,200 to

$1,560 per year, with $1,320 and $1,440 as intermediate rates, it is necessary to devise some standard that will guide us in applying these different rates to different individuals. In other words, assuming as we must that a new appointee would always begin at the lowest rate because of his lack of familiarity with the duties of his position, we need a standard method of advancing employes from lower to higher rates of pay. A standard of this character may consist merely of length of service, the person having served longest in the position being accorded the highest rate of pay. Again, it may consist of the relative efficiency of the individuals concerned, as shown by a system of efficiency records. It may also consist of a combination of both of the foregoing methods.

Once a standard of this kind has been devised, it may be used not only in determining the specific rate of pay that is fair for each individual doing the work of a given position, but also as a factor in determining promotion from a lower to a higher grade position. Let us say that Mr. Jones and Mr. Smith are both junior clerks and are also both candidates for promotion to senior clerks. Other things being equal, if Mr. Jones has a better efficiency record than Mr. Smith, preference in promotion ought to be given to Mr. Jones. The record of efficiency, however, ought not to be the only factor in promotions from lower to higher grade positions, for the higher grade positions usually call for a higher order of ability which can be determined only by a test of capacity. Hence it is a growing practice in the civil service to give a competitive examination to applicants for promotion, thus taking into account their capacity for more responsible work as well as their record in the work they have been performing in the past.

SUMMARY

At this point let us stop for a brief recapitulation. The basic principle with which we started was that of equal pay for equal work. We found that in order to apply this principle intelligently and fairly it is necessary:

1. To define a series of standard positions designated by standard titles by comparison with which it may be possible to determine what positions in the service involve equal work.

2. To determine upon some standard of compensation, such as the current market value of the services under consideration, the cost of maintaining a given standard of living, or a modification of either or both of these standards.

3. To establish for each standard position a range of compensation, rather than a flat rate of pay, so that the efficiency and the length of service of individual employes may be taken into account as well as the character of their duties.

4. To prescribe standard qualifications for each standard position.

5. To classify all positions along vocational lines in order to establish definite avenues of promotion and thus afford to employes an opportunity for a career in the public service.

6. To determine upon some standard method, based either upon efficiency or upon length of service or upon both, of advancing employes from the lower to the higher rates of pay within a given range of compensation.

In the language of the specialist in employment standardization, the standard titles, definitions of duties, qualifications for appointment, and rates of compensation applying to the various standard positions have come to be spoken of as "standard specifications of personal service."

EMPLOYMENT STANDARDIZATION IN PRACTICE

It will be of interest now to observe the actual practice of employment standardization. Our field of observation will include sixteen governmental jurisdictions which have undertaken standardization programs and have reached the stage of issuing a report on their work. Listed in chronological order as determined chiefly by the dates of the formal reports, these governmental jurisdictions are as follows: Chicago, 1911; Oakland, California, 1915; Los Angeles County, California, 1915; Pittsburgh, 1915; New York State, 1916; New York City, 1916; Seattle, 1917; Ohio, 1917; Milwaukee City, 1917; New Jersey, 1917; Cleveland, 1917; Akron, Ohio, 1917; Milwaukee County, 1917; St. Louis, 1918; Massachusetts, 1918; Dominion of Canada, 1919. In addition to this list, occasional reference may be made to the standardization work now in progress in the federal civil service and in Philadelphia.

BY WHAT AGENCIES UNDERTAKEN

First of all let us inquire by what agencies standardization programs have been undertaken. The practice in this matter has varied. One is not surprised to learn, however, that no agency has played so conspicuous a part in standardization work as the employment department of government, the civil service commission. It was largely through this agency that Chicago, Pittsburgh, St. Louis, Milwaukee City and Milwaukee County, Cleveland, Los Angeles County, Oakland, the states of New Jersey and Ohio, and the government of the Dominion of Canada undertook their various programs. The initial work on standardization in the Chicago city service was done by a "Municipal Efficiency Commission" on which the Civil Service Commission was represented, but after two years of experience the Civil Service Commission assumed all of the functions of the Municipal Efficiency Commission. In some cases where the civil service commission has become the standardization agency it has proceeded to do the work with its own staff, but in other cases it has retained outside consultants for the purpose. The latter course has been followed by the civil service commissions of Oakland, Milwaukee City, Milwaukee County, Cleveland, the state of New Jersey, and the Dominion of Canada.

In two instances an administrative agency other than the civil service commission has been used. New York City created the Bureau of Standards, later known as the Bureau of Personal Service, under the jurisdiction of the Board of Estimate and Apportionment for the specific task of standardizing city employments. Massachusetts designated the Supervisor of Administration for a similar undertaking.

The method of designating a legislative committee to do the work of standardization has been adopted in several cases. In New York State the senate committee on civil service was authorized by the legislature to conduct an inquiry into the conditions of employment in the state service and to make constructive recommendations. In the federal government a Joint Congressional Commission on Reclassification was appointed with similar authority. A slight variation of the same plan was adopted in Akron, Ohio, where the legislative body charged a special committee of its membership with the duty of standardizing the city service and requested the mayor and the local bureau of municipal research, a citizens' agency, to assist the committee.

In Seattle the work was done by a special commission appointed by the mayor and consisting of "a member of the City Council, a member of the Civil Service Commission, a member of the Board of Public Works, an employe of the City under Civil Service, a representative of the labor organizations, a representative of the civic organizations and a representative of the business interests of the city."

It is difficult to judge from the results achieved which of these different methods is best. In the last analysis very much depends upon the local situation. The best method in one city might not be the best method in another city. As a general proposition, however, it may be asserted that unless there *are* peculiar local conditions that make a different course advisable, it is best to charge the civil service commission with the responsibility of developing the standardization program. If the commission is wise, it will devise means of keeping in close touch with the legislative body, the executive officials, and the employes, upon whose co-operation it must depend to put the standardization plan into effect.

CHARACTER OF THE CLASSIFICATIONS ADOPTED

The second item of interest is the character of the classifications adopted. We may distinguish at once between two general types of classifications which, for convenience, we shall call the Chicago type and the New York type, because of the origin of the former in Chicago and the first distinct formulation of the latter in New York City. The former classifies the service into broad divisions such as the clerical service, the medical service, and the inspection service; whereas the latter follows more restricted vocational lines such as bookkeeping, typing, nursing, and building inspection.

The Chicago type of classification has been adopted not only by the city of Chicago, but also by Oakland, Milwaukee City, Milwaukee County, Seattle, and the state of New Jersey. The classification prepared for the Dominion of Canada also is of the Chicago type. It is worthy of note, however, that in the later classifications of this type there is a decided leaning toward the more restricted service groupings of the New York type. This is evident from the fact that while the original Chicago classification divided the service into only eleven primary divisions, the classification of Milwaukee County provides for seventeen such divisions, that of the city of Milwaukee for nineteen divisions, and that of the Dominion of Canada for thirty-four divisions. Even the Canadian classification, however, differs fundamentally from the New York type which contains, for New York State, upwards of one hundred and fifty primary divisions of service.

Outside of New York City the New York type of classification has been used in the states of New York, Ohio, and Massachusetts; in the cities of St. Louis, Pittsburgh, Cleveland, and Akron; and in Los Angeles County. It should be mentioned that the Los Angeles County and Pittsburgh classifications both preceded the classification of New York City and foreshadowed its character; but the conspicuous setting of the standardization work in the great metropolis, the clarity of its general plan, and the evident care that had been exercised in applying the vocational method of grouping positions, immediately gave the New York classification a prestige which the two earlier classifications have never had.

Since the classifications of the New York type follow along restricted vocational lines, one might expect to find practically the same vocational groups in all of these classifications. Such, however, is not the case. An analysis, from which the classifications of the small municipal service of Akron has been excluded, shows that out of a total of 486 vocational groups in all of the remaining eight classifications only 128, or about 26 per cent, appear in more than one classification. Only 65, or about 13 per cent, appear in more than two classifications. Only 27, or about 5.5 per cent, appear in more than three classifications. Only 19, or less than 4 per cent, appear in more than four classifications. Only six vocational groups, those designated as "accountant," "forester," "pharmacist," "stenographer," "storekeeper," and "telephone operator," appear in six classifications; two groups, "bookkeeper" and "physician," appear in seven classifications; and "clerk" and "nurse" enjoy the exclusive distinction of appearing in all of the eight classifications.

The explanation of this lack of standardization within standardization measures themselves is not difficult to find. In the first place, governmental activities vary from city to city, from county to county, and from state to state. To illustrate, one city may do much of its own printing, whereas the other may have all its printing done by contract. The result would be that in the service classification of the first city there would appear a separate vocational group for printers, but in the classification of the second city no such group would appear. Again, in different governmental jurisdictions different methods of grouping similar employments have been used. St. Louis, for example, has classified chemists in a group by themselves, whereas New York State and New York City have placed both chemists and physicists in a single group. The state of Ohio has adopted still another method by bringing together in one vocational group not only chemists and physicists, but also bacteriologists and pathologists. In the third place, lack of standardization results from mere lack of a common nomenclature for like vocational groups. In one classification we find "electricians" and in another "electrical workers," not because of any substantial difference in the two groups, but simply because two different designations have been used for identical groups.

That greater uniformity could be achieved in civil service classifications even after all necessary variations are made to fit local conditions is quite obvious. It is possible, for example, to secure greater consistency in the grouping of related employments than we now have and yet not force upon any local service an arrangement that might prove arbitrary. Certainly where similar vocational groups are known by different designations, it would seem not only feasible but highly desirable to adopt standard designations. It is unlikely, however, that much headway will be made in this direction until we obtain some central clearing house for testing the different methods of classification and recommending as standard those which seem most meritorious. Here is an opportunity for the National Civil Service Reform League, the National Assembly of Civil Service Commissions, the Governmental Research Conference, or for all three of these organizations acting in unison. Already a notable beginning in this direction has been made by the National Assembly of Civil Service Commissions. In June, 1916, a special committee of that organization reported on certain fundamental principles that should govern the classification of positions in the public service and, among other things, recommended that a standing committee be appointed "to work out an acceptable classification scheme." Thus far, however, this recommendation has not been carried into effect.

STANDARDIZATION OF DUTIES AND QUALIFICATIONS

We may now make a cursory examination of two features of employment standardization which are very closely related, namely, the definitions of standard positions and the standard qualifications for appointment.

It is not within the scope of this discussion to comment on the suitability and correctness of the definitions and qualification statements in the various standardization measures, but attention should be called to a few matters of technical practice.

If one did not go back of the printed pages of the annual reports of the Chicago Civil Service Commission one would be left with the impression that the standardization measure of that city contained neither definitions of standard positions nor standard qualifications for appointment. These reports contain only definitions of "services" and "grades" but not of individual positions; and such statements of qualifications as may be discovered at all are most general in character and appear more or less incidentally in the grade definitions. The latter, too, are general rather than specific, and for a very good reason. A grade in the Chicago classification of service frequently includes a dozen or more distinct positions each involving a specialized set of duties and often belonging to a separate vocational line of work from other positions in the same grade. In grade I of the medical service, for example, Chicago has such widely differing positions as "orderly" and "interne." Under these circumstances the grade definitions had to be general in character, for any attempt to make them specific would have created difficulty in covering such a large number and variety of positions. As it is, the definitions are so very general that they have almost no practical value as standards for measuring work.

It is only by going behind the printed pages of the reports that the real character of this feature of Chicago's standardization plan may be ascertained. In the official files of the Civil Service Commission are cards for all the standard positions in the Chicago city service and on these cards appear not only specific definitions of the duties of the standard positions but also specific statements of the examination requirements to be met by applicants for appointment to these positions. The grade definitions appearing in the annual reports of the Chicago Commission are really superfluous timber and could be omitted entirely without detriment to the more essential features which do not appear in the reports. The important unit in employment standardization, after all, is the individual position and not the grade.

The grade definition, however, did not disappear immediately after Chicago's pioneer work. It was retained in the Oakland standardization of 1915. In the same year Los Angeles County, though it departed radically from Chicago's type of classification, did not cast overboard the idea of the general grade definition. Neither does its published classification of service contain any statements of appointment qualifications distinct from the general grade definitions. Pittsburgh, which followed closely upon the heels of Los Angeles County in its effort at standardization, continued the grade definitions, but made them more specific and also included in its report statements of appointment qualifications applying to all positions in the grade. As late as 1917 Seattle, Washington, adopted a standardization plan which not only retained grade definitions but harked back to the very general type of definition first used by Chicago. In like manner it followed the example of Chicago's printed reports by omitting all mention of appointment qualifications.

In the standardization measures of New York City and New York State we find for the first time a distinct breaking away from the grade definition and the substitution of definitions of standard positions instead. These two measures which were worked out more or less simultaneously and under the guidance of the same organization, the New York Bureau of Municipal Research, may be said to mark a transitional stage in the development of this phase of technique; for while their departure from the grade definition was distinct yet it was by no means complete. In both measures there remain numerous instances of the use of definitions intended to cover all positions in a grade rather than just one position. In case of the qualifications for appointment we find a like tendency to break away from the grade as the unit of employment and to single out the standard position as the proper unit. It should be noted, however, that in the New York standardization reports there are many more survivals of qualification standards that apply to all positions in a grade than there are of grade definitions of duties.

The states of Ohio and Massachusetts and the city of Cleveland simply followed the New York model without making any contribution of importance to the technique of the work.

It remained for the city of Milwaukee to make the first complete break from the old grade definitions and grade qualification standards and to adopt a consistent policy of making the standard position the primary unit of employment for all purposes. In the standardization measure of that city every standard position is separately defined and is governed by a separate statement of appointment qualifications. The same practice has been followed by the state of New Jersey, the city of Akron, Milwaukee County, and the Dominion of Canada. The Canadian standardization, it should be added, is so emphatic in its recognition of the standard position as the primary unit of employment that it pays no attention whatever to grades as such. The report published by the Dominion government may be described as a dictionary in which the various standard positions are listed in alphabetical order.

STANDARDS OF COMPENSATION

Still another important item of interest is the practice of the different governments in regard to standards of compensation.

In general, two distinct standards have been used, the *market value* and the *cost of living*. The former has been used in practically all jurisdictions where employment standardization has been undertaken. In order to ascertain the market value of definite types of personal service, the rule has been to inquire into the rates of pay for similar employments in local private establishments and in other branches of the public service. For certain classes of skilled labor the union scale of wages has been accepted as the standard, notably in Chicago and Pittsburgh. It should be added, however, that where the market value has been ascertained it has not been taken as an absolute standard but rather as a guide. Often it has been found that the conditions surrounding certain employments in the public service were so different from those surrounding analogous employments in private service that fairness required either a higher or a lower rate than the prevailing one.

In 1915 New York City established the precedent of making the cost of living a factor in wage determination. Like every other city of considerable size, New York had in its employ a large body of unskilled manual workers. When the Bureau of Standards came to the problem of setting the wage scale for this particular group, it realized the inequity of being guided solely by the wages prevailing in private employment regardless of their adequacy. Upon the theory that the city government should be a model employer, it was decided to inquire into the cost of living of unskilled laborers in the city of New York. The result of this inquiry was a brief report of 57 pages in which the conclusion was drawn that "below $840 a year an unskilled laborer's family of five cannot maintain a standard of living consistent with American ideas." The standard of living outlined in this report, it must be confessed, was too near the poverty level to be considered "consistent with American ideas," and the recommendation of the Bureau of Standards that $840 be made the *maximum* rate of pay for unskilled laborers, and attainable only after at least seven years of satisfactory service at lower rates, was hardly in keeping with the pronouncement that the city government should be a model employer; still the mere fact that the cost of living was taken into account at all marked a decided step in advance and gave to New York City a distinct place in the history of the standardization movement.

Two years later the Bureau of Personal Service, which succeeded the Bureau of Standards, repeated this inquiry and found that, due to higher prices, a minimum of $980 was necessary to provide the standard of living described in the original report.

A broader application of the cost of living principle, though from a different angle, was made in 1918 in Seattle. Unlike New York, that city did not attempt to establish a basic rate for unskilled laborers or for any other group of employes. It did, however, ascertain the increase in the cost of living in Seattle from 1915 to 1918 and then increased the compensation of salaried employes to a point where it was about 40 per cent higher than it was in 1915. While it is true that Seattle prices had gone up considerably more than 40 per cent during the period in question, yet the fact is to be noted that the adjustment in salaries was made with a definite relationship to the cost of living. Since this process brought Seattle salaries about 8 per cent above the 1918 salary rates as they were before the results of the study were applied, the wages of skilled and unskilled laborers also were advanced 8 per cent above the original 1918 rates, thus leaving the existing relativity of wages undisturbed.

The Canadian report on standardization embodies still another approach with regard to the cost of living. In this report it is frankly stated that the revised salaries should not be based upon actual living costs in 1918 which were considered abnormal and unstable, but upon "what would have been normal conditions for 1918 had the tendencies of the period prior to the war continued and had the war not occurred." For certain classes of positions a special war bonus was recommended in addition to the regular salaries. As in Seattle, no effort was made to ascertain the cost of maintaining a given standard of living and thus establishing a basic rate for particular groups of employes.

Although the report of the Joint Congressional Commission on Reclassification of Salaries in the federal civil service is not yet available,[1] there should be some reference to the very fundamental approach which has been made to the problem of salary adjustment in the studies of this commission. Under its direction the U. S. Bureau of Labor Statistics has made cost of living inquiries along three different lines. One inquiry resulted in the formulation of a "quantity and cost budget" for a government clerk's family of five persons and the demonstration that, at October, 1919 prices, such a family could not maintain itself in health and decency on less than $2,288 a year. A similar inquiry developed the fact that at September, 1919 prices, a single man employed as government clerk required a minimum income of $1,057 a year to maintain a corresponding standard of living. A third inquiry found that a single woman clerk must have at least $1,140 a year. With these three basic studies before it the Reclassification Commission was provided with a better fact basis for establishing equitable rates of pay for different classes of workers than any other public agency engaged in employment standardization has ever been.

A word ought to be said, too, with regard to the new undertaking in Philadelphia. While the official work of the Civil Service Commission of this city is as yet hardly under way, there will be available a local study of the cost of living for a workingman's family made by the Bureau of Municipal Research of Philadelphia.[2] This study, which was made during 1917 and 1918, outlines a standard of living expressed to a very large extent in terms of actual goods and services, so that its current cost may be readily ascertained at any time by simply revising the price figures appearing opposite the various items listed in the standard. It was found that the annual income required by a workingman's family of five persons at autumn 1918 prices was $1,636, and that at November, 1919 prices it was $1,803.

The range of compensation rather than the flat rate of pay has been made an essential feature of every standardization measure. Practically the only exceptions to this rule are found in the skilled and unskilled labor employments where the flat rate appeared to be more in conformity with the practice in private service.

ADVANCEMENT WITHIN COMPENSATION RANGES

Perhaps the most difficult problem in employment standardization is that of providing a fair and workable method of governing advancement from lower to higher rates of pay within a given range of compensation. It will be of especial interest therefore to see what has been the actual practice in this regard.

In the recommendations contained in the various reports on standardization, three different methods may be distinguished:

1. Automatic advancement at the end of a given period of time.

2. Advancement after a prescribed minimum period of service if warranted by the efficiency of the individual as

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[1] This report has since been published as House Document No. 686, 66th Congress, 2d Session.

[2] "Workingmen's Standard of Living in Philadelphia," published by the Macmillan Company in October, 1919.

indicated by a system of efficiency records.

3. Advancement upon special appraisal indicating that the increase in salary is justified.

The first of these methods, that of automatic advancement at the end of a given period of time, has found favor in only one jurisdiction—Los Angeles County. Even there, however, its application is limited to the first increase in salary. A new appointee begins at the lowest rate and after one year of service he advances automatically to the next higher rate. Thereafter, however, advancement takes place only after investigation and favorable recommendation by the Bureau of Efficiency of the Civil Service Commission. The weakness of automatic advancement is that it does not discriminate between the less and the more efficient employes.

The second method is much more common. It has been recommended in practically every report on standardization that has appeared thus far. This does not mean that systems of efficiency records have been fully and successfully installed in all jurisdictions where they have been recommended. Far from it! As a matter of fact, according to fragmentary reports received by the writer, such systems have not been installed at all in Seattle or in Ohio; they have been only partially introduced in New York State and in St. Louis; and nowhere do they appear to have been really satisfactory. For a time the Chicago efficiency record system was heralded abroad as a most successful experiment, but it is no longer so regarded even in Chicago. One of the great difficulties everywhere seems to be to get administrative officials to take their duty of marking the efficiency of employes seriously enough. Too often this work has been done in a most perfunctory manner. Another difficulty is encountered in reconciling the markings of officials who mark according to widely varying standards; and a third difficulty lies in the fact that the personal bias of the administrator cannot be effectively eliminated from the markings without reducing their scope to a point of comparative uselessness.

In the writer's opinion the shortcomings of efficiency record systems are so great and in some respects so fundamental that the time, energy, and expense of further experimentation along this line might well be spared were it not for one fact of outstanding importance, and that is the lack of anything more satisfactory. It may be that some of the more recent innovations which place the operation of the system to a large extent under the control of the employes themselves will overcome in part at least the difficulties that stood in the way of the older plans. As yet, however, we have no positive evidence to that effect. The encouraging sign in this situation is that at the present time the whole problem of efficiency records is being approached with much greater care than it was a number of years ago. If there are real possibilities in the system we shall know it before very long; if the system has no possibilities we shall know this also.

The third method of governing advancement, that of special appraisal by a bureau of efficiency or similar administrative agency, has been recommended in New York City and New York State and is in effect in Los Angeles County, as we have already indicated. It should be explained that in both New York City and State this method is applied only to the higher grade positions. In Los Angeles County, as we have seen, it applies to all positions having a range of compensation, but is confined to the second, and last, increase in pay in each position. This method must be considered as merely supplementary to other methods, for it is hardly conceivable that in a large service a separate appraisal of the work of every employe could be made every year by an overhead administrative agency.

CONCLUSION

After this somewhat cursory examination of the various standardization plans that have been worked out in different jurisdictions, it may not be wholly amiss to draw a few general conclusions.

In the first place there can be no question that very distinct gains in technique have been made during the last ten years. The later efforts at standardization, as a rule, have been far more scientific and more practicable than the earlier ones.

In the second place it must be frankly confessed that thus far we have not been able to meet squarely two highly important problems with which we have to deal in employment standardization. Most governments have hedged on the question of adequate compensation and none of them has yet proposed a satisfactory solution of the problem of controlling advancement in salary within a range of compensation.

In the third place there appears to be a great lack of standardization within the standardization measures themselves. This is true not only of the classifications of service but also of the grading schemes, the titles and the definitions of duties. We would reiterate, therefore, the suggestion that either the National Civil Service Reform League, the National Assembly of Civil Service Commissions, or the Governmental Research Conference, or any two or all of them acting in unison, establish some kind of central clearing house or bureau of standards for the purpose of testing out the various methods and ideas that have been advanced in the field of employment standardization and of recommending those which seem most meritorious. Without such a clearing house we shall continue to make confusion worse confounded, especially if every new consultant who appears upon the scene feels it encumbent upon himself to do something differently from the way it was done before whether his method is better or not. This is true particularly of nomenclature in which we already have a veritable babel of voices.

Finally, the warning should be sounded that merely to work out an excellent plan of standardization, or even to secure its adoption, does not solve all employment problems for all time. At best the plan merely makes for clarification and makes equitable employment administration possible. To maintain the plan in working order requires eternal vigilance, and to use it in the best interests of the service requires the most conscientious efforts of the broadest gauged men the community affords.

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VIEWS AND REVIEWS

I

THIS issue goes to press in the midst of the confusion of moving our office to New York. By the time it reaches your hands we shall be comfortably settled in our new quarters. We leave Philadelphia with sincere regret. All the life memories of the League cluster about the North American Building. However adequate office space could not be secured at the old quarters and our time-tested, Philadelphia friends will continue their active interest and support. And hereafter when you visit New York take pains to look us up. It is an obligation which you as a member owe the League, to come in and set the new secretary right. He needs both your destructive criticism and your constructive suggestions.

II

THE presidential preference primaries have come and gone. Writing on the eve of the big national conventions we have only to note that in the one party in which a *bona fide* contest was waged at the primaries the highest candidate received less than one-third of the number of instructed votes necessary to nominate him. Whatever merit existed in the convention system in its palmy days still remains. And its evils as well. The "bosses" are reliably reported to have no fear that control has slipped from them. The conventions, true enough, may prove refractory, but the candidates nominated will not have been the clear choice of the people. The 277 votes from the southern states, possessing inordinately disproportionate weight in the Republican convention, may decide the matter there. All suspense will have been relieved by the time this reaches your hand.

The preferential preference primary is sick. In reality we only instruct our delegates to use their own judgment. We have tried to unite two irreconcilables, the convention system and direct choice by the people. Even in the realm of pure idea they are contradictory.

At this writing all the delegates have been chosen and the people have had no actual opportunity to register a preference. If there were only two candidates and if both were entered in all the primaries we might know how the wind of popular choice was blowing, but candidates enter or disregard the primaries in accordance with prearranged strategy. In fairness to the primaries it must be said that they afford a candidate an opportunity to go to the people but the voice of the people, with the possible exception of the extraordinary situation of 1912, has returned an uncertain verdict. And the convention may admit or cast out whatsoever delegates it pleases, state laws to the contrary notwithstanding, on the ground that such laws conflict with long established rules of the convention.

President Wilson urged on congress in 1913 the passage of a law, the constitutionality of which can be questioned, to provide for nation wide primaries and recommended that the party conventions be retained only for formulating the party platforms. When will the party leaders submit to a one-half of one per cent national convention, without the romance and the kick? And a nation wide primary returning a direct popular choice will not fit in with our present system of election by an electoral college. How easily might the organization be wrecked in the doubtful states!

III

Has the community any right against the state? Of course our legal principle is that the local government is the creature of the state but this theory in practice has proved abortive. The home rule movement, always bitterly assailed by conservative lawyers in constitutional conventions, seeks to secure for the municipality or county authority to exercise powers relating to local affairs. But what are local affairs and what are state affairs? At this point "home-rulers" fall out among themselves. Take the matter of municipal finance as an example. Should cities and counties be free to contract indebtedness as local fancy wills? Is the whole state injured when a local unit of government becomes improvident and bankrupt? The state does not guarantee investments in private corporations. Has it any obligation to the bond holders of a defaulting city?

In Alberta at the last session of the legislature, the minister of municipal affairs urged, without success, that the province maintain her credit by extending aid to communities which had fallen into financial difficulties. In Saskatchewan, the local government board, which has power to supervise local borrowings, has been able to keep the municipalities off the rocks. And the Indiana tax law, described in this issue, which gives somewhat similar powers of review to a state board is to-day a political storm center.

In this connection the Pennsylvania commission on constitutional revision proposes that the constitutional restrictions on local debt contracting powers be relaxed in favor of a provision allowing the legislature to establish a state financial commission with power to approve or disapprove local borrowings.

IV

Those of us who are more academic are wont to remind ourselves that all political betterment is a matter of long-time education. Fundamentally we are right and the work of the League proceeds along these lines; but there is another consideration to which we must attend. Some may call it education in a broad sense, most of us call it lobbying. By this we mean being on the job where political reform is being agitated; helping out the ofttimes small group who are trying to make the most of an opportune moment to secure a new charter or a revised constitution. We all know what a few lively persons, equipped with the knowledge of facts and well grounded in the philosophy of democracy can accomplish in the face of vested political interests, once the pure educational process has prepared the way.

Here is proposed a new task for the National Municipal League. Several states are in the process of or are about to begin revision of their constitutions.

Numerous cities are drafting new charters. Counties are growing restless. Of course we help by correspondence and printed matter. But isn't it time that we developed our field work if we are to "put over" our program?

V

In Pennsylvania the commission to revise the constitution has just concluded its hearings. Before them appeared, as representatives of the National Municipal League, our new Field Director to argue the reorganization of the state's legislative and executive department, our Honorary Secretary to argue the case for municipal home rule, and the Secretary to advocate reform in county government and a representative election system. A small but able local group did valiant work at all times. Elaborate briefs were presented on numerous subjects but what was accomplished (and the result suprised even the most optimistic) was the fruit of tireless lobbying. Temperamentally antagonistic to "radical" ideas, the forceful members of the commission were nevertheless reasonably open minded. Before such a tribunal the proposals, which we as members of the League favor, were put to severe testing. That they can win in such an ordeal reassures us as to the sound logic of our program. As a national organization the League faces a ripe opportunity for developing resources which would aid our states, cities and counties in transforming our program into concrete fact.

VI

We are glad to announce that by recent action of the executive committee Dr. A. R. Hatton becomes field director of the National Municipal League. Dr. Hatton has been on the job constantly at the Illinois constitutional convention, consorting with the friends of progress there, and converting reactionary members to a new political faith.

Harold W. Dodds.

PROPORTIONAL REPRESENTATION IN BOULDER, COLORADO

BY ARNOLD J. LIEN

Boulder has had two elections under proportional representation. Its experience is here related. :: :: :: :: :: :: ::

I

JANUARY 1, 1918, went into effect the home rule charter of Boulder which had been approved by the voters of the city in the election of October 30, 1917. The charter represents an attempt to recognize in a practical way the principles of the functional plan of organization. It accordingly provides, on the one hand, for a small but thoroughly representative council through the adoption of the Hare system of proportional representation and, on the other hand, for an efficient administration through a city manager and a small number of well organized departments.

In a population as small and homogeneous as that of Boulder there was from the outset considerable doubt as to whether a system of proportional representation would yield superior results proportionate to its complexity. Politics and factionalism, or even radically different interests, have very rarely been prominent in Boulder elections. The Hare system was adopted, therefore, not to remedy any flagrant evil, but rather because it was regarded as a more ideal mechanism than the old plan and so as an arrangement which might in the long run prove more satisfactory.

The first election under the new charter was held December 11, 1917. Nine councilmen were to be elected. Since the term of office was to be six years, in order to satisfy the requirement that three councilmen shall be elected every two years, it was necessary in the first election to arrange for three distinct sets of candidates, each set corresponding respectively to a two-year, a four-year, and a six-year term. This necessarily complicated the ballot. To assist the voters in mastering the new system, several public meetings were held at which concrete explanations and demonstrations were given. The papers of the city were very liberal in their exposition of the system. Simple and adequate directions were printed on the ballots.

Candidates are required by the charter to file their declarations of candidacy with the city clerk. Only when such declarations have been filed, may signatures be attached to the nominating petition. Signers must appear in person in the clerk's office to sign the petition. When not less than twenty-five nor more than thirty-five signatures have been made, the candidate is declared nominated.

For the two-year term in the election of 1917, there were seven candidates. Eight hundred and fifty-nine votes were cast. Of these only fifty-six were void. The electoral quotient, under the Boulder plan, is found by dividing the total vote by the number of representatives to be elected plus one. This process gave an electoral quotient of 201. The first count resulted in the election of one councilman, a popular physician, who had, in addition to the required 201, a surplus of ninety-eight.

The election of the other two was not made before the surplus of the first councilman had been distributed and the four candidates lowest on the list had been successively eliminated.

For the four-year term there were five candidates for whom were cast 796 valid ballots. The electoral quotient was 200. One candidate had a surplus of forty-two. This was a very prominent and widely known woman. The distribution of the surplus resulted in the election of a second councilman, a man who had been in politics for many years and had represented the Boulder district in the state senate. The third election resulted only after the final elimination of the two candidates lowest on the list.

Eight candidates were nominated for the six-year term, and one voter cast his vote for a ninth candidate. Eight hundred and fifty-nine ballots were cast. Of these fifty-eight were void. Of this group, the three who were declared elected were those who remained after the elimination of the six who in succession had the smallest number of votes. Of the three who had the highest number of votes only one had a number equal to the electoral quotient.

In part on account of its newness, in part on account of the interest aroused during the period of charter making, and in part on account of the larger responsibility of the council in organizing the new government and selecting a manager, the new system attracted an unusually large number of candidates. The result was a very satisfactory set of councilmen. The voters apparently had found the system workable. The percentage of void ballots was so small as to be negligible. While there were no evidences of great enthusiasm, and while there were some cases of adverse criticism directed at the complexity both in the balloting and of the tabulation of results, yet the general opinion was that the system would probably prove superior when the voters had become better acquainted with it.

Three vacancies occurred before the time of the next general election—one as the result of the death of a councilman elected for six years, two as a result of resignations by councilmen elected for the four-year term, who enlisted in war service. These vacancies were filled, in accordance with the charter, by new men, appointed by the council, to serve until the next election.

The second election under the charter came November 4, 1919. Normally, only three councilmen would have been elected at this election. On account of the three vacancies, which had been filled temporarily by the council, the number to be elected was increased to six.

For each of the unexpired terms, there was only one candidate—in each case, the councilman who had already begun to serve as a result of appointment by the council. These candidates were, of course, elected; but the number of void ballots was amazing. Out of a total of 1,167 votes cast for the candidate for the unexpired part of the six-year term, no less than 297 were void. For the candidates for the remainder of the four-year term, 890 votes were cast. Three hundred and sixty-four were void.

Six candidates were voted on for the regular term. Two hundred and seventy-five ballots were void. The 890 valid ballots gave an electoral quotient of 223. Two candidates were declared elected after the first count—the popular physician who had been elected in 1917, and a well-known business man who is now mayor. The third was elected through the transfer of the surplus of the other two.

In addition to the election of councilmen, the voters were asked at this election to express themselves upon one simple charter amendment and one bond proposition. On the charter amendment, the void votes were equally amazing—close to 300.

II

The nature of the irregularities that made so large a percentage of ballots void was generally the same—the use of the cross in place of the numeral in voting for candidates, and the attachment of a cross to both "yes" and "no" on the charter amendment.

No adequate explanation can be found for these very unsatisfactory results, except as it is found in the force of habit of the voter and his general lack of care and close observation. On the charter amendment, the intention probably was to vote affirmatively. The negative vote was probably intended as a vote against the bond issue. One "yes" and one "no" was probably the decision made by the voter before he went to the polls. Through sheer carelessness, the crosses hit the wrong squares.

Simple and clear directions were printed on the ballots. The newspapers had explained as before. But the newness had worn away and the voter reverted to his original habit, the more easily because between the first and second city elections had occurred a state and national election in which he used the old method.

The enormous percentage of void ballots has discouraged even the enthusiast for the Hare system. A system that virtually disfranchises so large a number of voters can hardly be regarded as desirable, is an argument now not uncommonly heard in Boulder. The argument clearly has weight. Clearly, too, is it confusing to the busy voter to use one method in one election and a different method in another.

The remedy must involve more adequate methods of instructing the voter. Directions on the ballot possibly can be printed in more striking form so as to catch more certainly the attention of the voter. The principles of commercial advertising have a place in the solution of this problem. Newspaper comment, posters, mass meetings, school-room instruction—all can be resorted to with better results. Continuous education and more effective education.

Much could be accomplished also through a plan of stationing at each polling place a group of competent, non-partisan advisers. This committee of advisers might take the place of the old election judges. A committee of very carefully selected members would be necessary—members with tact and understanding and enthusiastic patience. This committee would hand out the ballots, supervise the polling place, and receive the ballots; but more important than any one of these, would be its function of explaining to each voter, who had any doubt or question about the method of voting, exactly how to mark the ballot. With a committee that was awake in estimating the voters as they came in, it should be possible to achieve very close to perfect results.

The composition of the present council of Boulder is regarded as fairly representative: two women, six business men of varying stamp, and one college professor. The result of proportional representation so far as it can be judged from the personnel of the council has been satisfactory. The result when measured by the first essential of the whole Hare system—every vote counts, no votes are wasted—leaves enormously much to be desired.

INDIANA TAX REFORMS

BY J. A. ESTEY

Professor of Economics, Purdue University

In an effort to patch up the uniform general property tax Indiana further centralized her tax administration. The law of 1919 has been made a campaign issue, especially that feature which gave the state board power to review local tax rates and expenditures. :: ::

An interesting situation has arisen in Indiana where the tax law of 1919 passed by a Republican legislature and claimed by the Republican party to be their "greatest achievement in Indiana since the Civil War," has become a campaign issue.

The law of 1919 is essentially a makeshift. It is designed to remedy some of the more glaring defects of the general property tax, until the passage of a constitutional amendment should give power to the legislature to levy income taxes, classify property for taxation, and take any other measures necessary to secure an equitable tax system.

For some years the Republican party has been under pledge to do what all agree must be done if taxation is ever to be reasonably satisfactory—break up the general property tax with its fundamental and unescapable defects. With this in view (and for other purposes as well) the legislature of 1917 provided for a constitutional convention to revise the constitution of the state. This being set aside by the supreme court, the legislature of 1919 introduced two constitutional amendments giving the assembly power to provide any taxation system it deemed equitable, and these amendments are now taking their due course.

However, as they could not be approved before the election of 1922 at the earliest, and as something had to be done meanwhile, the legislature of 1919 enacted this much-discussed tax law as the best that could be done under the constitution as it now stands. It is, as said before, a makeshift. It is confessedly imperfect; it could hardly be anything else. But Republicans claim it is far less imperfect than the old law, and, indeed, as reasonably perfect as a general property tax can be under modern conditions.

THE LAW OF 1919 SUMMARIZED

The important parts of the law may be briefly summarized as follows:

(1) All assessments are to be made at full cash value.

Under the old law, assessments, despite the efforts of equalization boards, ranged from 25 per cent to 60 per cent of true cash value, and the needs of the local districts resulted in rates of taxation from 3½ per cent to over 5 per cent. As usual, the effect of this was to foster gross inequalities in taxes on real estate, and drive the bulk of intangibles into hiding to escape the insufferable rates on personal property. The legislature therefore proposed to raise assessments to full value, partly to smooth out existing inequalities in the case of real estate, and particularly in the hope of coaxing the intangibles out of hiding by a rate as low as 1½ per cent to 1¾ per cent, and so cause investments to bear a reasonable share of tax burden. The undoubted effect of this change will be to increase taxes on large properties (which gained most by under-assessment) and correspondingly reduce burdens on small; but whether even a rate of 1½ per cent will make people much more willing to declare intangibles still remains to be seen.

(2) The tax commissioners are given power to order re-assessments of property in any district, reassess any individual piece of property, and make horizontal increases or decreases in assessments.

If local assessors are not to nullify the law by disregarding (consciously or otherwise) the full-value-assessment clause, these powers, particularly that of making horizontal changes, are clearly necessary, at least till assessors are educated up to the new standards. But the effect of horizontal increases has been in some instances to assess properties at more than their market price, and this has caused considerable and widespread complaint. The fact that the trouble can usually be traced to the unequal valuations of local assessors in the first place, and is not at all due to the ruling of the commissioners, has not yet been sufficiently realized to allay popular disapproval.

(3) To make these powers more effective, the board of tax commissioners is attempting to use the right (not new to this law) of removing objectionable local assessors. But this interference with duly elected officials has been decidedly unpopular and, so far, commonly unsuccessful.

(4) No local body may issue bonds, nor levy tax rates which will yield more revenue than that of the previous year, save with the consent of the state board of tax commissioners. In the matter of bond issues, the decision of the commission is not final, but may be overruled by a referendum vote of the taxpayers in the district concerned.

These two provisions of the law are certainly the most unusual, and (particularly the bond provision) the cause of much popular opposition. But it is evident that their significance has not been properly understood.

HOW IT WORKS IN PRACTICE

The constitution of Indiana as interpreted by the state courts gives to bond-issuing bodies the right to issue bonds up to 4 per cent of the *assessed* value of property in the district. So that any increase in the aggregate value of assessments raises this borrowing power proportionately. But the effect of the true-cash-value provision meant a probable increase in assessments of anywhere from 100 per cent to 200 per cent or more; and the legislature of 1919 therefore introduced this apparently necessary check on bond issues to avert what seemed to be a very immediate danger of rash and possibly ruinous borrowing all over the state. The practical result of this provision has been to flood the tax commissioners with applications from numerous local bodies anxious to issue bonds, and almost to overwhelm them in the operation of their own machinery. It was probably wise to attempt some control over reckless borrowing during the transition from low to high assessments, but this provision in operation has been very burdensome to the commission and very unpopular among the people, and it will probably be abolished. Indeed the platform of the Republican party of Indiana just published declares that the control of tax levies and bond issues should be restored to local taxing units, "to preserve the right of self-determination and local self-government."

The tax levy provision sprang from

a fear lest local authorities should fail to lower rates in proportion to the rise in assessments, thereby not only imposing heavy additional burdens on the taxpayers, but bringing serious discredit on the new tax law in general. Hence local units were required to levy such rates as would yield no higher aggregate of taxes than the year before. This compelled a substantial reduction of rates and it is certain that opposition to the law when first proposed was a good deal allayed by the assurance that increased assessments meant only a redistribution of the tax burden among individuals, not an increase in the total tax for the district.

Such are the principal features of the law of 1919. Essentially, the law is little more than an attempt to make the general property tax work by prescribing 100 per cent assessments all round, and establishing the necessary machinery both to enforce this rule and to guard against dangers attendant on its application; the results desired, of course, being reasonable equality in taxation of real estate and a rate low enough to bring out large amounts of personal property. That the law will substantially improve the situation as regards real estate is probably already established; but the under-taxation of intangibles can never disappear until the legislature is empowered to classify property for purposes of taxation.

CLASSIFICATION AND SALARY STANDARDIZATION IN PHILADELPHIA

BY CLINTON ROGERS WOODRUFF

President, Civil Service Commission, Philadelphia

I

The city of Philadelphia is the most recent addition to the ranks of governmental bodies realizing that employment conditions and compensation must be standardized if efficient organization and satisfied personnel are to exist in the public service. In the new charter approved by the governor June 25, 1919 (Act No. 274 for the Better Government of Cities of the First Class of this Commonwealth approved June 25, 1919), a specific duty was placed upon the civil service commission to classify and grade all positions in the classified service and to make recommendations regarding rates of pay. The specific provisions which apply are contained in section 17 of Art. XIX which reads:

> "The commission shall classify and grade all positions in the classified service. The commission shall ascertain and record the duties of each position in the service, and, wherever it appears that two or more positions in a service have duties which are substantially similar in respect to the authority, responsibility, and character of work required in the performance thereof, they shall be placed in the same grade, which the commission shall designate by a title indicative of such duties. Grades having duties of the same general nature and in the same line of promotion shall be placed in the same class and the lines of promotion definitely specified. For each grade the commission shall determine a standard maximum and minimum salary or rate of pay, and shall report the same to the mayor and the council, together with other information pertaining to a proper rate of pay for personal services of incumbents of positions in the civil service."

Previous commissions had attempted some standardization of employments without the specific direction contained in the present charter. That work of classification was never fully completed, and no part of it was put into force. The city departments, as reorganized under the new charter, the employes of which are included in the classified service, are as follows:

Department of Public Works
Department of Public Safety
Department of Public Health
Department of Public Welfare
Department of the Mayor
Department of City Transit
Department of Wharves, Docks, and Ferries
Department of Law
Department of Purchasing Agent
Civil Service Commission
Art Jury
City Architect

Other city departments were not included under previous civil service laws and the jurisdiction of the civil service commission was not extended by the new city charter to include them. Soon after its appointment, however, the present commission sent communications to the heads of all these other city and county departments, calling their attention to the work of classification and salary standardization required by the charter to be done in all the departments whose employes are included in the classified service, pointing out the value and desirability of extending this classification and standardization over all employes of the city and county. As a result of this communication the prothonotary of the court of common pleas and the municipal court, the department of receiver of taxes, and the sheriff of the county of Philadelphia, requested the commission to extend the classification and salary standardization so as to include their respective departments. At the time of this writing the remaining departments have not expressed the desire to have their positions included in the work and the commission lacks authority to include them without the consent of the department head concerned.

Early in January, and within a few weeks after the new commission had been appointed, it turned its attention to the problems involved in the classification and standardization work before it. Interviews and conferences were held with the civil service reform association of Pennsylvania; the bureau of municipal research of Philadelphia; and with numerous other authorities experienced in undertakings of this character. The commission is particularly indebted to the civil service reform association of Pennsylvania for the collection of statistics, figures of cost, and methods of procedure used on other classification projects. After extended study of the situation in Philadelphia and thorough consideration of the costs involved the commission requested the city council to appropriate the sum of $30,000 to defray the expenses of the work.

II

The commission was fully aware of the importance of the work before it. There was, however, a great deal of additional work placed upon the commission by the provisions of the new charter which had not been done by previous commissions. This work included, among other things, the necessity of applying a new set of civil service rules based on the provisions of the new charter and the setting up and administration of a system of hearings for members of the police and fire departments who were placed under charges for removal. With these added duties, each calling for much investigation and research, and with the added necessity of instituting improved methods in the examination division, the commission was convinced that it must take drastic steps to have the work of classification prosecuted rapidly and by an experienced staff. Added to these complications was the necessity,—which still exists,—of completing the classification and the setting up of recommended salary rates at a time early enough to permit of their incorporation in the next annual appropriation bill. The new city charter requires that the mayor furnish to the council on or before October 15 of each year a budget of expenditure for the fiscal year beginning on the following January 1. This makes it necessary that the present classification and standardization work be completed in time to permit the mayor and department heads to consider the results and incorporate them in the estimates which must be ready on the date mentioned.

By reason of the short time remaining for the work to be done, and by reason of the difficulties and the expense involved in organizing a special staff of its own to make the classification, the commission determined to engage a temporary expert staff experienced in work of this character. The communication to the council asking for the appropriation of $30,000 for the work made this point clear and included estimates of the size of staff necessary and the cost of the various stages of the work. The council, in granting the request for the appropriation, included a provision in its ordinance requiring that the commission enter into a formal contract with the expert staff which it engaged to do the classification work and that bond be furnished by this staff for the proper fulfillment of the contract.

The laws and ordinances governing contracts required that the commission issue specifications for the work and receive competitive bids before awarding the contract. In complying with these requirements the commission was greatly aided by Albert Smith Faught, Esq., of the Pennsylvania civil service reform association who prepared a tentative draft of specifications answering both the legal and practical requirements.

III

As a result the commission finally prepared and issued the specifications on April 9, 1920 of which the following is a full summary:

I. Each bidder must take notice of the provisions in Article 19 of the new charter of Philadelphia, act approved June 25, 1919. The provisions in reference to classification of positions and standardization of salaries and incidental matters require the following:

1. *Ascertaining and recording duties of positions*
   The commission shall ascertain and record the duties of each position in the classified service.
2. *Placing similar positions in the same grade*
   Wherever it appears that two or more positions have duties which are substantially similar in respect to authority, responsibility, and character of work required in the performance thereof, they shall be placed in the same grade.
3. *Determining titles*
   The commission shall designate each position by a title indicative of such duties.
4. *Establishing lines of promotion*
   Grades having duties of the same general nature and in the same line of promotion shall be placed in the same class and the lines of promotion definitely specified.
5. *Determining maximum and minimum salaries*
   For each grade the commission shall determine a standard maximum and minimum salary or rate of pay, and shall report the same to the mayor and the council.
6. *Obtaining information as to proper rate of pay*
   The commission is required to report to the mayor and council information pertaining to a proper rate of pay for personal services of incumbents of the positions in the civil service.
7. *Devising standards for the classification and grading of positions*
   The foregoing legal requirements clearly imply the duty of the commission to devise

standards of duties and of qualifications for appointment which may be used as a guide in the classification and grading of positions.

The contract is to cover all of the foregoing items.

II. The scope of the work is to include all positions the salaries of which are paid by or through the office of the Treasurer of the City of Philadelphia except the positions under the following: School District of Philadelphia, City Controller, Coroner, District Attorney, Register of Wills, City Treasurer, Registration Commission, Inspectors of County Prisons, Fairmount Park Commissioners, Clerk of Council, City Commissioners, Clerk of Quarter Sessions, Philadelphia Museum, Free Library of Philadelphia, Board of Revision of Taxes.

III. Bidders are asked to submit a separate figure on a per employe basis for work involving positions under offices, boards, departments and commissions not regularly included as indicated above.

IV. The bidder will furnish the following: All work cards, forms, cards for permanent records, questionnaires and miscellaneous printing, typewriter paper, carbon paper and miscellaneous office supplies, needed in doing the work covered by the contract. . . .

V. The contractor will furnish all clerical work and provide his own staff of investigators, clerks, stenographers, messengers and other help.

VI. The contractor will render such instructions and information as may be desired in reference to the work covered by the contract to the members of the civil service commission, and to such employes and examiners of the commission as may be detailed by the commission for such instruction. Although members of the staff and employes of the civil service commission may be detailed to assist in carrying out the work covered by the contract, the contractor must not rely upon any definite assistance, but must be prepared to do the whole work himself.

VII. The work is to be done under the direction of the civil service commission, and six typewritten copies of the report or reports of the contractors must be furnished to the civil service commission on or before September 15, 1920. One half of the compensation will be paid in equal monthly installments commencing one month after the actual beginning of the work. The remaining half of the compensation is to be paid one month after the final delivery of the six typewritten copies of the report or reports covering the work covered by the contract, and their acceptance by the civil service commission as being in accordance with the contract.

Sealed bids were received on the afternoon of April 12. A number of accounting and engineering firms submitted tenders. Only those who had had previous experience in this field of endeavor were considered, however.

Notice of the award to Griffenhagen and Associates of Chicago, was given on April 16 and on the morning of the 17th the classification staff began its work in quarters set aside for it in the offices of the commission. Since then a staff of from eight to ten people have been engaged on the work and a classification questionnaire is in the course of distribution to all employes whose positions are covered. An organization study is also being made of each department in which the standardization work occurs.

It is too early as yet to make any prophecies as to the results which will be obtained, but present circumstances make the commission feel confident that the classification and standardization will be brought to a successful conclusion and that it will prove of great benefit to the city of Philadelphia.

A FEDERAL DEPARTMENT OF PUBLIC WORKS—A MOVE FOR ECONOMY

BY CHARLES WHITING BAKER

Consulting Engineer, New York City

For many years people have talked about the wasteful way in which our government business is carried on. At various times plans for reform have been discussed. A year ago a group of progressive engineers and business men concluded that it was time to cease talking and act. A number of these men had been brought in close touch with the governmental office during the war, and had in that way come to realize how much needless waste and duplication was going on in government work, merely because the government had not organized its business on the systematic plan adopted in private business.

These men knew also that individual effort toward government reform is futile. The only way to accomplish results in this field is to create an organization with the authority and backing to stay on the job and keep everlastingly at it until success is attained.

A beginning in the way of organization was made in April, 1919, when a national convention was held in Chicago, attended by delegates from 74 different societies of engineers, architects, constructors, manufacturers and business men. The organizations represented in that convention have a total membership of over 100,000.

At this convention there was formed the National Public Works Department Association with the object of creating in the Federal Government a Department of Public Works to carry on in an efficient and systematic manner the work which the government is now carrying on through nearly 40 independent bureaus, scattered through nine separate departments, working with rivalry of each other instead of co-operation, duplicating each other's work, and spending the taxpayers' money in multitudes of ways that yield no public benefit.

There is a common belief that government work is wasteful and extravagant because of graft, both large and petty, because of extravagant salaries, and because of political appointments. This is an error. Uncle Sam pays lower wages and salaries than any private employer. The government employes are honest and most of them are diligent. The reason why government business is prodigally wasteful was well explained by Secretary Franklin Lane in his published statement on retiring from office last winter. There is no intelligent planning what to do and what not to do; there is no organization and direction to compel co-operation, cut down overhead expenses, abolish useless work.

The project of the National Public Works Department Association is to take all the important engineering and construction work which the government is now doing and bring it all into one department, under one head, where modern business methods for system and economy can be applied.

Few realize the enormous outlay which the government is now making on public works. The appropriations for architectural and public work functions by congress for the present fiscal year total nearly 650,000,000 dollars. The departmental estimates for the year following are nearly 790,000,000 dollars. A country-wide cry is going up for economy in federal expenditure so that the pressure of taxes upon business and industry can be removed. Surely the best way to economize is by cutting out needless waste; and this is the aim of the Department of Public Works Association.

A PRACTICABLE REFORM

It would be perfectly easy to plan a reform in the government business which would be admirable from the point of view of the business systematizer, but which would arouse powerful antagonists at the start and would be impossible to pass through congress. Those who planned the Public Works Department reform have worked in close co-operation with leading congressmen and with the men at the heads of federal departments and bureaus. The plan adopted does not create a new federal department and thereby add another member to the President's cabinet. It merely takes the Department of the Interior, whose name to-day has wholly lost the significance it once had, and changes its name to the Department of Public Works. In this department there are already such important public works bureaus as the Reclamation Service, the Bureau of Mines, the Geological Survey, and the Alaskan Engineering Commission. There would be brought into this department such other federal public works bureaus as the construction of public buildings, which is now carried on—for some inscrutable reason—by the Treasury Department; the improvement of rivers and harbors, now carried on by the War Department; and the building of highways, now in the Department of Agriculture. For the present these and other public works bureaus would be merely grouped in the Department of Public Works, retaining their separate organization and personnel, which are in many cases governed by special statutes. After this first step was taken and these bureaus were under one head the next and logical step would be the establishment of co-operation between them and the elimination of useless work.

A concise statement of the need for this reform was made by Gen. R. C. Marshall, chief of the construction division of the army, in his address at the national convention of the Public Works Department Association, held in Washington in January. He said:

> "There are at the present time 27 separate and distinct federal agencies in the construction of the public buildings. There are 16 separate government departments building roads, and 19 which in one way or another have to do with hydraulics, river and harbor work. No two of these agencies are co-ordinated.
>
> "The standards in one department vary greatly from those in another, and the methods employed in construction and the detailed requirements of the mass of specifications emanating from these different sources are too complex, too involved, for any normal man to differentiate between them.
>
> "The inevitable result is that the government pays the bill in the loss of time, in high bids, and in a confusion of tongues worse than that which stopped man's most ambitious and daring building scheme, the record of which may be found in the eleventh chapter of Genesis.
>
> "The trend of the times is toward simplification of control. If instead of separate outfits, each trying to do more or less the same things, each in competition with the other, each trespassing on the other's sacred prerogatives, each doing the same thing differently, some better than others, some as best they can,—if all of these activities can be centralized under a single control, having a definite and simplified specification, a single method of accounting, a single bureau of purchase, a single point of contact available to that unfortunate creature who now spends days and weeks chasing the buck from

one government department to another, there shall have been accomplished the most constructive step in the history of government work."

THE JONES-REAVIS BILL

In order to carry out the general plan of reform above outlined, a bill has been introduced in the House by Congressman Reavis of Nebraska, and in the Senate by Wesley L. Jones of Washington. The general purport of the bill has already been explained. The bill provides that "the secretary of public works shall by training and experience be qualified to administer the affairs of the department and evaluate the technical principles and operations involved in the work thereof."

To provide for continuity in the conduct of the department, notwithstanding changes in the administrative head, it is provided that there are to be four assistant secretaries of public works, appointed by the President, each of whom "shall be specially qualified by training and experience for the particular services over which he may have jurisdiction, and he shall be removed from office only for inefficiency and for conduct detrimental to the service, on charges duly made and adjudicated in accordance with law."

The bill has steadily gained friends in congress and throughout the country ever since its introduction. It is recognized as a measure of sound business common sense, needed for the public welfare, one on which all men can unite without distinction of party.

The Senate Committee on Public Lands gave a public hearing on the bill on February 11, at which a dozen prominent engineers and business men spoke in its favor, and no voice was raised to oppose it. In fact, it may be fairly said that the chief and substantially the only difficulty in the way of the measure is the inertia which affects unfortunately all congressional legislation and makes it extremely difficult to secure action on even the most generally favored and important measures, except through the objectionable plan of riders on appropriation bills.

WHY THE ASSOCIATION?

It is this "condition and not a theory which confronts us," which makes necessary a working organization in order to push to success every measure of public welfare necessary for the betterment of our government.

One may say it ought not so to be. One may say that congress itself should originate and push to final passage the measures which from time to time become necessary to keep our government machine adjusted to changing conditions; but the fact is that congress has become so overwhelmed with its work, and so enmeshed in the multiplied difficulties that prevent its action that, broadly speaking, only those measures go through congress which have an organization behind them to push them through.

That is why an association had to be organized. That is why many men must contribute time and money in order to carry on the work of public education as to the importance of this measure.

Engineers have taken the lead in the organization of this movement and in carrying it forward, not because they as a class will receive benefit from it more than any other citizens, but because they are familiar with the waste and loss now going on and with the saving possible by introducing business methods of organization. The association makes its appeal for support, however, to all classes, and especially to the business men who are most directly affected by the present enormous expenditure in carrying on the nation's business.

At the head of the association is Marshall O. Leighton, a prominent consulting engineer of Washington, D. C., who was for some years in the government service and is personally familiar with the conditions which the association aims to remedy. To make the organization country-wide in its scope, state chairmen have been appointed in nearly every state in the Union. In a number of the states these chairmen have so organized their forces that their congressional delegations are already informed concerning the measure and the public need for its success; and their co-operation in its passage is assured.

In many states strong local committees have been formed. In New York city, for example, a local committee has been organized with men of national prominence in business and finance. Adolph Lewisohn, head of the Miami Copper Co., is chairman and among the members are Henry R. Towne, head of the Yale-Towne Manufacturing Co. and late president of the merchants association, Alfred E. Marling, president of the chamber of commerce of the state of New York, Gano Dunn, president of the J. G. White Co., and T. Coleman Du Pont. On the executive committee of the national organization are such well-known men as J. Parke Channing of New York, Chas. F. Loweth of Chicago, C. E. Grunsky of San Francisco, Col. Peter Junkersfeld of Boston, and Philip N. Moore of St. Louis.

The movement has gained a host of friends since it was launched. Among the prominent men who have endorsed it are Gen. Leonard Wood, Herbert Hoover, Gen. Geo. W. Goethals, former Secretary Franklin K. Lane, and Governor Frank O. Lowden of Illinois. It is of extreme interest to note that this movement proposes to effect in the Federal Government the same businesslike change that has been put into effect in a number of the states and has produced splendid results in saving the taxpayers' money. Its success in Illinois under Governor Lowden is especially noteworthy.

The United States Chamber of Commerce, after investigation by a special committee, has sent out a ballot on the question to its membership.

Finally, this movement is in its essence patriotic. If we wish to make our government one to be proud of, it is up to us to do the necessary things to remedy its imperfections. An inefficient government is necessarily an unstable government: and surely in the present world situation, Americans must realize that no effort or sacrifice is too great to keep our government stable.

The association is in need of funds to carry on its work and those who are generously contributing their time and energy to direct it, appeal for support to the men and women who are genuinely interested in our nation's welfare and willing to contribute toward it.

The association's offices are in the McLachlan Building, Washington, D. C. M. E. Ailes, vice-president of the Riggs National Bank, is its treasurer, and Major C. T. Chenery is its secretary.

THE NEBRASKA CONSTITUTIONAL CONVENTION

BY JOHN P. SENNING

University of Nebraska

"The mountain was in labor, and Jove was afraid; but it brought forth a mouse." . . . You may think this a too pessimistic view, but the author has given the facts from which to judge. :: ::

THE adjournment of the Nebraska constitutional convention on March 25, 1920 closed a session of seventy-four days. Three hundred and thirty-six proposals were submitted out of which forty-one were selected to be submitted to the people at a special election to be held September 21. The calling of a constitutional convention to remedy certain defects in the present constitution had long been a subject of earnest discussion. The present constitution was adopted in 1875 during a period of unrest and hard times. It is a document framed for a pioneer state and for many years has seriously hampered the state government by its obsolete provisions and difficulty of amendment. Unfortunately the present constitutional convention was also called at a time when social and economic conditions have produced general distrust and unrest and, as in 1875, current issues are reflected both in the amendments proposed and those adopted.

THE LEGISLATURE

A brief survey of the most important points considered by the convention will best illustrate the worth of the work done. As to the legislature and legislative power many changes were proposed but few adopted. There was a strong feeling among the delegates that the patent defects of the bicamera system should be corrected. Proposals were introduced to eliminate the senate and create a single house legislature of about sixty members, but the proposition was defeated on the ground that the people were not ready for such a sweeping innovation. The amendment finally adopted is a step in a backward direction for it provides that the membership in the senate may be increased from its present number, thirty-three, to fifty, just one-half the size of the lower house. The salary of senators and representatives is to be $800 for a regular session, instead of $600 as at present, and $10 a day for a special session, though the total amount for a special session cannot exceed $100.

In procedure three items should be noted. The old provision that the minimum length of a regular session must be sixty days has been eliminated, making it possible for a legislature to meet for a shorter period if the volume of business is not great enough to warrant spending more than two months upon it. It has long been apparent that conference reports and amendments to important bills have been passed during the closing days of the session when there was not a full attendance. The convention proposes to remedy that evil by providing that conference committee reports and amendments shall be concurred in by the same vote as that required for the passage of the original bill. Within the past two years, besides a regular session of approximately ninety days, two special sessions had to be called, one to ratify the federal suffrage amendment and the other to enable Douglas County to issue bonds to rebuild its court house which had been seriously damaged by a mob. Except for the provision that bills must be read on three separate days the business of each special session could have easily been transacted in one day. The experience of these two sessions together with the common practice of ignoring the provision during regular sessions emphasized the need of changing that portion of the constitution which requires that bills must be read on three different days. This section has therefore been eliminated, leaving the time intervening between the first and final reading of a bill to be determined by the rules.

THE INITIATIVE AND REFERENDUM

As in every constitutional convention of recent date the initiative and referendum came in for a share of attention. Nebraska adopted the initiative and referendum amendments in 1912, but the experience of eight years has revealed certain defects in these provisions. One example may suffice for explanation. During the summer of 1919 petitions were circulated to secure a referendum upon the civil administrative code. It was impracticable to attach a copy of the law, which contained several hundred pages, to each petition. The circulators satisfied themselves by attaching a few general statements concerning the bill to the petition and in that manner secured a sufficient number of signatures. Such a practice seemed to be in open conflict with express statutory provisions that the entire law should be attached to the petition. The court, however, held, in the mandamus proceedings to compel the secretary of state to receive the petitions, that the spirit of the constitution should control. The matter of fictitious signatures was also discussed. It was suggested that a referendum petition should be signed in the presence of an officer; that instead of soliciting signatures among the electorate, those interested in the referendum should go to a central office and sign the petition in the presence of a designated official. The net result of many hours spent on the initiative and referendum was (1) the reduction of the number of signatures from 10 per cent to 7 per cent and (2) that the title of the law only need be attached to the petition.

ADMINISTRATIVE REORGANIZATION

In executive organization the short ballot idea was regarded with scant favor by the convention. Three distinct proposals modifying the present executive and administrative system were introduced. One called for the election of the governor and a board of six directors and for the creation of seven departments. The directors were to be elected by districts and they, with the governor, were to make all appointments. A second provided for the creation of ten departments. The governor, lieutenant governor, auditor, and treasurer were to be elected by the people and were to appoint the heads of the various departments. A third left on the ballot only the governor, the lieutenant governor and auditor. Near the close of the convention a fourth proposal was brought in by the committee on executive reorganization which disregarded the provisions of the first two and provided for the election of four executive officers, giving the governor power to appoint all others. By this time such a state of feeling had developed among the various leaders that not even a compromise proposal was possible. The amendment to be submitted to the people, therefore, retains all the present state officers, who shall serve for a term of two years, except the superintendent of public instruction whose term of office shall be four years. An important appointive officer, the tax commissioner, is added to the present list. He is to be appointed by the governor with the advice and consent of the senate.

Two provisions of the present constitution which perhaps were used with better effect than any others to convince the people of the wisdom of calling a constitutional convention are the one which prevents the creation of additional executive offices and the other which makes "no allowance for clerk hire in the offices of the superintendent of public instruction and attorney general." To keep within the limits of the constitution, deputies, boards and commissions have been created with one of the executive officers, usually the governor, at the head. By a ruling of the supreme court it was decided that "clerk" did not mean "stenographer," but subterfuges have been most unsatisfactory. The proposed amendments eliminate the clause concerning "clerk hire" and allow the creation of new executive offices by a vote of two-thirds majority of all members elected to the senate and house. The heads of the new departments are to be appointed by the governor and the appointments ratified by a majority of the members elected to the upper and lower house in joint session. It is to be noted that the convention made the appointive power of the governor subject to modified restrictions. The tax commissioner is appointed by the governor with the advice and consent of the senate; the heads of the new departments as given above. The office force within these departments are appointed by the department heads. The appointments to the board of control require the consent of two-thirds of the members elected to the senate; and judicial officers appointed to fill vacancies require no confirmation at all.

Popular distrust of a strong executive is reflected in the budget proposal, which adds very little to the statutory budget which became a law in 1915. The governor is required to prepare a budget and to have expert assistance in so doing, subject to the regulations provided by law. His estimates as submitted in the itemized budget cannot be increased except by a three-fifths vote of the legislature. No provision is made for supplementary appropriations. In one respect the governor's power has actually been reduced, namely, his pardoning power. Instead of leaving pardons to the governor alone a board has been created consisting of the governor, the secretary of state and attorney general, which has complete control over all pardons, paroles and commutations.

Regulation of salary, which heretofore was fixed in the constitution, is to be left to the legislature, though changes cannot be made more often than once in eight years. For the present the convention has adopted a scale giving the governor $7,500, the other state officers except the lieutenant governor, $5,000, and the lieutenant governor twice the compensation of a state senator. Members of the railway commission whose duties have been enlarged to take in all public service corporations are to receive $7,500 each, an increase of $4,500 over their present salary.

THE JUDICIARY DEPARTMENT

The chief changes proposed in the judiciary of the state are with a view of expediting business. It is impossible for the supreme court to keep its docket up to date. Some years ago a supreme court commission was created but in spite of this extra assistance, the court has been unable to keep up with the volume of business which comes from the lower courts. It is proposed that the supreme court sit in sections and call to its assistance judges of the district court. A most notable change suggested is that which grants judges of the supreme court power to make rules of procedure for the respective grades of courts. This provision, if carried out, will no doubt go far toward eliminating the technicalities and rules established by law and thus shorten the route any case may take from its original hearing to final decision. Cases brought before the court involving the constitutionality of the law will require the concurrence of five out of the seven judges of the supreme court. The term of office remains unchanged. The methods of election are modified also. Instead of electing supreme judges at large, as heretofore, the new proposal makes all except the chief justice elected by individual districts. The idea of election by districts had a strong hold upon the convention, and it is provided that the six regents of the state university be elected by districts. Attempts were made to have the three members of the railway commission also elected by districts; fortunately this proposal failed of adoption.

TAXATION AND FINANCE

The amendments to the article on taxation and revenue do not reflect the highest credit upon the convention. In the campaign before the convention no subject was as much discussed as the tax amendments to the constitution. In the convention two extreme views were represented. One sought to leave the entire question of taxation to the legislature as does Connecticut; and the other contended for a detailed classification. The result was a compromise between the two views. The present constitution contains only a general property tax provision. Valuation must be uniform as to class. The new proposal retains this portion but adds "that taxes other than property taxes may be authorized by law." Household goods to the value of $200 are exempted from taxation. The legislature has no discretion whatever in making any exemptions. County authorities are limited to an aggregate assessment of fifty cents per one hundred dollars actual valuation, unless authorized by vote of the people in order to meet an emergency. The convention missed a great opportunity in not standing for a real progressive tax provision.

CORPORATIONS

The amount of attention paid to corporations in the convention clearly shows that Nebraska has entered upon a new stage of development. It is no longer a purely agricultural state. Both private and public corporations are great economic factors of which the constitutional convention had to take cognizance. As to private corporations the provision in the present constitution is purely negative. The new proposal is mandatory upon the legislature to enact adequate laws for the development of corporations, domestic and foreign, under proper restrictions designed to prevent reckless speculation, monopoly and discrimination. Ample provision is made for the development of co-operative companies and associations along the line of co-operative principles. Public utility corporations will be required to render account to the railway commission as the law may direct or may be ordered by the commission. They may consolidate their stock when authorized by the railway commission and by law may be required to facilitate an exchange of business. The present constitution prohibits consolidation altogether. Dividends can be declared only out of net earnings which are also defined. The new proposal applies to all public utilities and is much more explicit than the present provision which related only to railroads.

LOCAL GOVERNMENT

Counties and cities, as local governments, received scant attention at the hands of the convention. County government as such was left untouched. The existing statute regarding change of boundary is the only proposal on counties to be submitted to the voters. The proposal relating to cities merely facilitates the method by which cities of 100,000 inhabitants and over may obtain home rule charters. Omaha is the only city to which this can apply. Heretofore if a city of that class adopted the principle of home rule it was necessary to call into existence the machinery of a convention to adopt a new charter. The new amendment makes such a process unnecessary. If a city decides in favor of home rule the existing charter is declared to be a home rule charter.

INDUSTRIAL RELATIONS

There is probably no action taken by the convention which will cause more discussion or meet with greater opposition than the proposal to create an industrial commission to regulate and settle differences between employers and employes. The language of this section is all inclusive. "Laws may be enacted providing for the investigation, submission and determination of controversies between employers and employes in any business or vocation affected with a public interest and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An industrial commission may be created for the purpose of administering such laws, and appeals shall lie to the supreme court from the final orders and judgments of such commission."

SUFFRAGE AND EDUCATION

The equal suffrage amendment was passed with no opposition. Thus the struggle begun by the submission of an amendment in 1882 was finally ended. Provision has also been made for the exercise of the right of suffrage on the part of men in the service of the army or navy.

Proposals adopted by the convention in regard to education effected only minor changes. Educational leaders in the state presented an elaborate plan early in the session for an educational reorganization modelled on the New York system. Another proposal was introduced making permanent appropriations for educational institutions. Out of a wealth of discussion the following meagre results emerged—the normal schools were placed under a single board appointed by the governor, a provision which is already on the statute books; the term of office of the superintendent of public instruction was increased from two to four years; school lands, if the legislature shall decree that any shall pass out of the hands of the state, shall be sold only at public auction.

AN IMPROVED AMENDING PROCESS

One of the most commendatory amendments worked out by the convention is that which facilitates the process of amending the constitution. According to the existing provision a majority of all the votes cast at the election is necessary to ratify an amendment submitted to the voters. The new proposal places the amendment upon a separate ballot, and if it receives a majority of those voting on the proposition, provided that is 35 per cent of the vote cast, it is declared adopted. This section opens the way to future changes in the constitution and will enable the people to enact those provisions which the convention overlooked.

WAS THE CONVENTION WORTH WHILE?

On the whole the action of the Nebraska convention was very conservative. The changes in the structure of both legislative and administrative systems ignore entirely modern scientific principles of government. Whether the amendments adopted by the convention in respect to the judiciary are an improvement upon the old is merely a matter of individual opinion. The delegates were more interested in correcting certain existing abuses than in building a constitution for the future. Recent writers have observed that constitutional conventions are influenced primarily by current events. As a result matter is incorporated into the constitution which is private and not public law. The Nebraska convention was no exception to this rule. For example the section making English the official language was merely the outcome of a long struggle to compel the use of English in the schools. Again the amendment that the legislature shall regulate the acquisition, enjoyment and descent of property of aliens is an aftermath of the reaction against aliens during the late war. The present unrest over labor conditions resulted in a minimum wage amendment being submitted and also in the creation of an industrial commission. The reorganization of the administrative system in 1919 encountered serious opposition and probably was responsible for the defeat of the short ballot propositions in the convention. The creation of a board of pardons was due to the widespread discussion of the parole of a prisoner by the president of the senate acting as governor during the absence from the state of both governor and lieutenant governor. The unwillingness of the convention to build well by modelling a constitution which would be adequate for the future development of the state and by bringing into existence a responsible government cannot be attributed to any partisan feeling. Time and circumstances only are responsible for any inadequacies in the proposed revision of the Nebraska constitution. If the proposal facilitating amendment is adopted by the people there is no doubt that the shortcoming of the present constitutional convention will soon be corrected.

LAW ENFORCEMENT AGAINST PROSTITUTION FROM THE POINT OF VIEW OF THE PUBLIC OFFICIAL

BY BASCOM JOHNSON

Director, Department of Law Enforcement, American Social Hygiene Association

I

Law enforcement is that branch of the social hygiene movement which attempts to enforce so much of the standard of sex conduct, existing in a given place at a given time, as has been written into the statutes. It stands to reason that law enforcement cannot rise higher than its source. If the standard of a given community is low, the statutes are sure to be weak or the machinery for their enforcement inadequate. If the standard is fairly high, but the public has not bestirred itself sufficiently to secure statutes which adequately express that standard or the personnel able to enforce it, the result is largely the same.

Law enforcement then is dependent directly upon the conscience and social instinct of the community. We all know pretty much what the ideal standard ought to be and why. Religion, education, and science have taught us, as the result of centuries of experience, that the sex instinct finds its noblest expression in monogamous marriage, and that extra-marital relations are disintegrating to the character of the individual and the structure of society, and are fraught with devastating possibilities for the public health.

Prostitution has existed because society, while recognizing the lofty idealism of this standard, has, until recently, never believed it to be practicable. The doctrine of sex necessity for men, with the resulting double standard of morals, has furnished the motive for the demand, and the supply has followed in accordance with economic law.

All the many schemes of toleration of prostitution in districts and otherwise, even when outlawed, are but efforts to square our practice with the doctrine of sex necessity. As long as we believed in sex necessity, laws against the act of prostitution continued to be aimed at or enforced, if at all, against women only. Fortunately for future progress, this doctrine has been exploded in as authoritative a manner as possible.

On May 7, 1917, the General Medical Board of the Council of National Defense stated that continence was not incompatible with health and this principle was approved by the American Medical Association at its meeting on June 7, 1917. The Army has specifically adopted this principle as the basis of their program for the prevention of venereal disease among the military forces. (See G. O. 135 War Department.) This has also been adopted in principle by the Sixth Division of the Navy (see paragraph 203 of its recent publication on morale).

This authoritative pronouncement, together with our war-gained knowledge and experience, has made the future task of local public officials in this field immensely easier. Such officials can count on a much more intelligent and favorable opinion as to the necessity of maintaining our gains and also making further progress.

The pre-war general support of measures aimed at the commercialized aspects of prostitution is now well nigh unanimous. There is a growing understanding of the true basis of interest of the state in promiscuous sex relations and the extent to which the state can prevent such relations by law enforcement.

By commercialized aspects of prostitution, I mean the activities of third parties to exploit or protect prostitution for profit. Such exploiters and protectors are: madams, pimps and procurers; owners and operators of hotels, rooming houses and apartments; chauffeurs, bell-boys, dance-hall and cabaret proprietors, who cater to assignation or prostitution; politicians, who encourage or wink at violations of the laws for political or financial profit; shyster lawyers, bail-bond sharks and doctors, who, in the name of justice or public health, defeat justice, corrupt officials, increase disease, and line their pockets with blood money.

II

We are all agreed that most of the parasites above enumerated are human vermin, which only the laws of humanity prevent us from exterminating. The prostitute herself and her man customer occupy a somewhat different plane. There is still some honest difference of opinion as to how far the state is justified in interfering with this relation. I believe most of this difference is the result of differences in definition of terms.

The sexual conduct of the individual becomes a matter of public concern and, therefore, of legal regulation, only when it seriously affects the sanction of monogamous marriage, or the integrity of the family or the public health.

From all three points of view, the most serious menace to the public welfare in sexual conduct is promiscuity. From the public health point of view, promiscuity may fairly be said to cause the vast majority of all venereal disease.

That female is the most dangerous of sex delinquent women who is most promiscuous, because she is most likely to be diseased and to transmit disease, and this regardless of whether she demands money or its equivalent or not. Similarly, the male who most frequently consorts with promiscuous females is the most dangerous of sex delinquent males. In fact this type of male is probably a greater menace to public health than the promiscuous female, because he is the immediate source of many infections of innocent wives and children, in addition to infecting the other women with whom he consorts.

It was because prostitutes have always been the most promiscuous persons of either sex, that laws aimed at their activities and the activities of the third parties who promoted or exploited prostitution have been passed nearly everywhere in this country and have found a large measure of public support. While the enforcement of such laws has eliminated red light districts and open houses of prostitution, and has greatly reduced the total number of contacts of prostitutes and, consequently, the amount of disease that they spread, those laws have yet failed to accomplish the results which we have a right to expect from the expenditure of so much time and money on their enforcement.

The reason is not far to seek. Until 1919, when a standard form of law on this subject was prepared and presented to the legislatures of the several states by the federal government, prostitution was, with few exceptions, an offense of which a female only could be guilty. Generally speaking also the acceptance of money by the prostitute was a necessary ingredient of her offense. It is axiomatic that, as long as men can with impunity buy such services from women, there will always be found women, foolish, ignorant or lazy enough to adopt this apparently easy way out of life's difficulties.

Furthermore, as the life of the professional prostitute becomes more and more hazardous, many of them are forced to go to work, and the amateurs are retaining their jobs for the same reason. Under the disguise of honest working girls, many such women are supplementing their incomes, or securing the luxuries which they think are necessary to them, by building up what they fondly believe to be a select clientèle. They are careful when taking a new customer not to ask for or take money. They very often accept gifts of jewelry or wearing apparel, theatre parties or expensive meals, either as a test or as a real *quid pro quo*. How far the activities of such amateur prostitutes make up for the reduction in the activities of the professionals, no one knows. The doctors testify, however, that a large number of their men patients claim to have been infected by such amateurs.

It became obvious, therefore, if further progress was to be made, that the definition of prostitution would have to be enlarged to include all males whose payments make prostitution possible, and all males and females sexually indiscriminate, even though the element of hire, which usually exists in some form, could not be proven. Following the recommendation of the Federal Government in this regard, the legislatures of eleven states have remodeled their prostitution laws. This remodeled law not only attempts to reach all promiscuous sex delinquents, but sharpens and renders more serviceable the legal weapons against the third parties to prostitution, particularly the chauffeur, that most modern and elusive of go-betweens.[1]

Since this standard law against prostitution was prepared and adopted by these states, as above indicated, certain questions have arisen concerning the relations of police, courts, and health departments in handling diseased sex offenders, that necessitate a further general discussion. In our war-time desire to protect the public health, at all costs, there arose some confusion as to the real function of these different departments and the true basis for their co-operation. Police and courts are charged with the problem of delinquency and health departments with the problem of disease. Neither group is equipped to handle the problem of the other. If either is charged with duties pertaining to the other, we may find people being sent to jail for being diseased, or put in the hospital for committing crime. The necessity for close co-operation between the law enforcing and health departments has always been so obvious, however, that mistaken zeal in this direction is understandable.

The following elaboration of that portion of the standard law against prostitution relating to this subject is therefore suggested as providing a safe and real basis of such necessary co-operation:

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[1] Copy of this law can be secured from the American Social Hygiene Association. The eleven states above referred to are: Connecticut, Delaware, Maine, Maryland, New Hampshire, North Carolina, North Dakota, Ohio, Rhode Island, Vermont, Wisconsin. New York and Virginia also adopted most of the provisions of this law.

The name and place of detention of any person charged with a violation of laws against prostitution shall immediately be reported in writing to the district or city board of health by the department making the arrest.

No person so charged shall be discharged from custody on bail or otherwise until 12 hours after the receipt by such district or city health board of the name and place of detention of such person so charged.

It shall thereupon be the duty of such district or city health board to determine after a hearing whether there are reasonable grounds for believing that such person is infected with a venereal disease, or has been exposed thereto.

If such district or city health board shall determine that such reasonable grounds exist, it shall be the duty of such board to cause such person to be examined immediately for such venereal disease, by a physician competent to determine the existence of such disease.

In order to make the findings above outlined, the district or city board of health shall have the power to detain any such person so charged for a period not exceeding 48 hours, after expiration of the 12 hours following the receipt by such board of the notice from the department making the arrest.

Any such person found to have a venereal disease in an infectious form shall be treated under quarantine or at a clinic or otherwise, as such district or city health board may determine shall best protect the public health.

Such infected person shall pay for such treatment, if able to do so, but if not, such medical treatment shall be at the expense of the municipality or county.

It is hoped that the above suggestions will be helpful in providing a mark at which to shoot. It is clearly realized, however, that some time and considerable appropriations will be necessary for the passage of such laws and the establishment of the machinery necessary to enforce them.

III

A considerable field experience has shown me that, when sitting down with the officials of any city, it does not do to confine the discussion to what might be accomplished with the best possible legal tools and machinery and plenty of money to grease the wheels. Many communities are taxed and bonded to the limit. Their state legislatures will not meet for a year or perhaps two years, and their city charters sometimes do not permit them to pass ordinances broad enough to cover the points in question, until enabling action has been taken by the state legislatures.

The question I have often been asked by such officials is: What can we do now with the laws and funds we have and the personnel and institutions that those funds will provide? In order to answer this question here, it will be necessary to visualize a typical city with its laws and machinery.

Without attempting to be scientifically and statistically exact, such a city would contain about 30,000 population. (There were 191 cities with this or larger population according to the census of 1910.) Such cities have a separate city and county government, with somewhat overlapping jurisdictions. The city executive and legislative departments are elective and mutually independent. The city attorney and police court judges are appointed by the executive, and to some extent, therefore, the general policies of this branch of the city government may be said to be controlled by the executive. The executive also appoints the heads of police and health departments.

The state laws which are available to such a city are:

1. The Injunction and Abatement Law. (Exists in 38 states.)

2. Laws or regulations of state boards of health in pursuance of law requiring the reporting by physicians to the board of health of cases of venereal disease, the sources of their infection, and permitting the examination of suspected carriers and their treatment under

solation, if they cannot be trusted not to infect the public. (Exist in 43 states.)

3. Laws penalizing prostitutes or common prostitutes. (Exist in 28 states to which may be added the 11 states having standard form of law against prostitution, making 39 in all.)

4. Laws penalizing those who keep disorderly houses or houses of prostitution. (Exist in 45 states.)

5. So-called white slave or compulsory prostitution laws. This law usually penalizes pimps and procurers and prohibits intra-state transportation for purposes of prostitution. (Exist in adequate form in 44 states.)

6. Laws against rape. (Exist in 48 states.)

7. Age of consent laws, heavily penalizing men for sexual relations with young girls, even though they consent to such relations. (42 states fix the age at 16 or more.)

8. Single act of adultery penalized. (28 states.)

Most cities have re-enacted these state laws as city ordinances, and some have ordinances on one or more subjects which are not covered by state laws. This is true particularly of laws against soliciting.

As regards personnel, the city attorney and the health officer are unable to live on their salaries, and hence give only a part of their time to the city. The chief of police gives full time, but has lost some of his best men through the high cost of living and industrial competition. His budget is often insufficient to employ plain clothes detectives and, where this is possible, he has no funds to give them expense accounts which are essential in making headway against clandestine prostitution.

The city and county jails are often insanitary and thoroughly inadequate. There is no detention house for women and often not even a fit place for temporary confinement of juveniles. State reformatories and training schools for delinquents are either non-existent, or overcrowded, and too little has been done for the diagnosis and treatment of physically or mentally diseased sex offenders. Lastly, probation for adults has not begun and probation for juveniles is still inadequate. Confronted with such a situation, which I believe to be typical of the smaller cities and only slightly less so of the larger ones, the social hygiene consultant will be somewhat aghast, but immensely more charitable toward the officials.

Further study of the situation will, however, reveal the silver lining to the clouds and the way out will become steadily clearer. This silver lining, as has been indicated above, is the greatly increased public knowledge and interest in the problem over pre-war times and the way out is further public education, organization, and team work under authoritative leadership.

The reason for such measure of success as we achieved during the war, was the authoritative leadership of the federal government, and the co-ordination of efforts by nation, state and city. There is no official so well adapted to lead as the mayor. He is the official spokesman of the city and its recognized head. No one so well as he can weld the various local officials charged with the execution of the laws into a compact fighting team; no one better than he can inform public opinion, organize it and secure from all sources, the co-operation, the funds, and the personnel so badly needed. The first step for such a mayor to take should be to call in his chief of police and direct him to clean up all open and flagrant conditions, such as red light districts, open houses of prostitution and open soliciting in public places. These conditions exist only in violation of state or local laws, as above indicated. They cannot exist without the knowledge and consent of the police, as every chief of police in the country knows and will admit if he is honest.

The city and county jails will be adequate to hold the keepers of open houses who persist in operating. They will not persist, however, if they know the mayor means business, but will leave town or try to operate somewhere else in the city less openly. The prostitutes will also move and their operations and their soliciting will become much more guarded. These keepers, owners and managers of property and every other go-between and parasite, who persist in exploiting, protecting or catering to prostitution after a fair warning, should be prosecuted and hounded to the limit of the law.

Where the use of property does not amount to keeping a house used exclusively for purposes of prostitution, and thus bring the place under the operations of the criminal law, the evidence should be placed in the hands of the county attorney and request made that he enjoin its use for purposes of prostitution, under the injunction and abatement law. The county attorney will not usually refuse such a request from the mayor, but, if he does, the mayor, as a citizen, can institute such a suit in his own name and direct the city attorney to prosecute it.

By concentrating, in the beginning, all efforts against the exploiters and protectors of prostitution, prostitution as a business can be wellnigh ruined. The prostitute herself and her man customer will find it more and more difficult to secure a safe place to operate. Eventually, prostitution will become so clandestine that the local police will not be able to secure evidence. Because of the lack of an adequate plain clothes squad and the expense account necessary for their fight against clandestine prostitution, this point will soon be reached. No city can afford to stop there, as much clandestine prostitution can and does exist in a city so handicapped.

IV

The next step of the mayor should be to educate and organize his public. He should report to his constituents, through the press, the pulpit, conferences with chambers of commerce, rotary clubs, women's clubs, in fact through every avenue of publicity open to him or which he could pry open, the facts concerning prostitution and its relation to his city, what it means in broken homes, economic loss, and racial deterioration. He should report his efforts and the fact that his further progress is blocked for lack of good laws, sufficient funds and adequate personnel and institutions.

The government's standard form of law against prostitution should be advocated. The law reaches the third party in prostitution, the prostitute herself and her man customer, eliminates fines, and provides for indeterminate sentences of such minimum length as to afford opportunity for rehabilitation. If the city council can pass such a law as a city ordinance, the citizens should be educated and organized by the mayor to demand it. The councils will pass it if they think the citizens want it. If the city councils cannot pass it all, they should pass as much of it as they can. If they do nothing else, they should pass an ordinance making it an offense for a man to solicit a woman or to pay or offer to pay her anything of value to yield herself to him.

At the next session of the state legislature, the mayor and his organization of citizens should endeavor to secure the enactment of the rest of this law. He should secure active assistance from the national and state agencies above listed in this legislative campaign. The federal assistance should be of particularly great value.

Having secured from the city council the right to punish men for sex offenses, the mayor will find an immediate decrease in men to punish and the prostitutes a perceptible falling off in the number of their customers. The mayor should then ask for funds from the citizens. Part of them should be used for the employment of plain clothes policemen, and an expense account to enable them to meet the expenses necessary in the gathering of evidence sufficient to convict. A city-wide campaign against the operations of prostitutes and their customers should then be instituted. In addition, women police should be employed to do preventive work with young girls. These police women should supervise the conduct of public dance halls and other commercialized amusements. They should investigate and supervise employment conditions for girls. They should patrol the streets and public parks and they should be especially valuable in investigating and reporting to the judge the facts concerning all girls and women offenders prior to sentence.

Adult and juvenile probation should be put on a sound basis by the employment of sufficient experienced and high grade probation officers, able to assist those deemed worthy of probation, in securing employment, change of environment, or adjustment of home or economic conditions.

Lastly, the jails should be renovated and made sanitary for men and detention homes provided for women and girls. In all institutions provision should be made through the state or local board of health for physical and mental examinations and treatment of inmates and some useful employment while confined. As heretofore indicated the police should immediately notify the health department of every arrest made for a sex offense, so that the health department may have opportunity to examine and isolate carriers of venereal disease if deemed necessary to protect the public health.

The jails and detention homes being merely temporary makeshifts, the mayor should include in his state legislative campaign a demand for a state reformatory for women and a prison farm for men, training schools for boys and girls and feeble-minded colonies for the permanent custodial care of sex offenders who are so mentally deficient as to be non-reformable or who cannot be benefited by probation. In this connection, the National Society of Mental Hygiene has approved the suggestion that all courts handling such cases should have made available to them psychiatric service for the routine mental examination of sex offenders.

Reaction against this program will be prevented by taking the greatest care in the selection of personnel. Strict instructions should also be issued to policemen, and enforced, against provoking or procuring violations of the law. Much antagonism will be prevented if the owners of hotels, apartment houses, rooming houses, and dance halls are called into conference by the mayor in advance, the program explained and their cooperation sought. Often it is possible to secure the organization of hotel and other property owners' associations pledged to the adoption and enforcement by their own organization of police regulations regarding prostitution.

Trouble with such operators of property and taxicab companies or owners can often be obviated by installing a system of licensing, inspection, and revocation of license for violation of law or regulations regarding prostitution. Telephone companies will often espouse a suggestion that they include in their service contracts a provision that proof of the use of the telephone to arrange an assignation automatically breaks the contract and permits the removal of the instrument.

The central idea, as is evident, of all these suggestions is that some one must lead, co-ordinate, and organize the community. Without this leadership team-work is impossible and results will not appear. Under such leadership and with only part of the program in operation, admitted exposures (prophylactic rate) of soldiers in a city of half a million decreased from 826.18 per thousand per year in October, 1917, to 218.03 in April, 1918, and to 39.65 in October, 1918. During the same time, the annual venereal rate among these troops decreased from 167.67 per thousand to 37.73 in April and to 6.61 in October.

In our system of government with its checks and balances, the tendency to pass the buck from one department of government to another is notorious. We have, however, shown entire willingness to follow our executives as long as they are right. There is no question about the eternal rightness of this program, its perfect practicability, and the great benefit that will flow from it to any community that can find a leader and has the courage to follow him.

THE URBAN AUTO PROBLEM

BY ERNEST P. GOODRICH

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This paper was the subject of much favorable comment when read before the National Conference on City Planning last April. Two discussions of it are appended. :: :: :: :: :: ::

THE problem of the automobile in the city may be analyzed under two heads:

A. The general problem which is also equally applicable to extra urban conditions.

B. Special urban problems.

The general problem (A) may be classified under

1. That due to the creation of a new instrument.
2. The growth of its use.
3. Its sympathetic exploitation.

All the general factors have applied to each means of transportation as it was evolved and can thus be approached from a historical standpoint with profit. Each new device introduced has first met with opposition.

The growth of every transportation innovation has been slow at first, then extremely rapid for a period, which has been succeeded by a gradual falling off as the market became saturated.

The growth of the automobile industry in the United States as a whole is shown by the following tabulation:

Motor Car Registration	
1914	1,711,339
1915	2,445,664
1916	3,512,996
1917	4,983,340
1918	6,146,617
1919	7,558,848
1920	8,500,000 estimated

The introduction of each new device has always resulted in stringent legal regulation. In ancient Rome for example.

> . . . and probably also in other large towns, it was necessary to restrict traveling in carriages to a few persons of high rank, owing to the narrowness and crowded state of the streets. For the same reason the transport of goods along the streets was forbidden during the ten hours between sunrise and sunset.[1]

That the restriction of deliveries during daylight hours is equally modern is exemplified in the suggestion which was carefully considered by the New York city authorities only a few years ago of restricting all deliveries of coal to down-town Manhattan office buildings and of other commodities to a large extent to the night. A restriction was placed upon the use of coaches in London as early as 1635 when a law was passed forbidding the general and promiscuous use of them in London and Westminster, or the suburbs. Down almost to the present time automobiles have been excluded from certain parks and parkways, the Harlem River Speedway having been legally opened to traffic only as late as 1919. Control has from the earliest time been exercised over vehicles by means of licenses.

Vehicles were early restricted as to size and load. The Chicago ordinance limits the maximum load per axle to

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[1] Encyclopaedia Britannica, 9th Edition, Vol. V, p. 134.

24,000 pounds and the maximum load per inch width of tire to 1,000 pounds. The Cleveland and Detroit traffic regulations limit the width of a vehicle to a maximum of eight feet, six inches, and the Boston regulation limits their width to ten feet. That vehicles which do not use tracks are not peculiar in this respect is shown by the common practice of stipulating in franchises granted to street railroads that they shall be of "standard gauge."

Street width has grown so as to accommodate wider and wider vehicles (and probably largely because of such growth). The road leading from Naples to Pompeii is generally about fourteen feet wide and it is interesting at this day to measure the ruts worn by the chariot wheels which suddenly ceased operation in 79 A. D. These wheel tracks vary from three feet to three feet, six inches, apart, so that the estimated width of the vehicles themselves must have been about four feet, ten inches.

When Sir Christopher Wren prepared his recommendations for the rebuilding of London after the "Great Fire" it was recommended that:

> The streets . . . be of three magnitudes; the three principal leading straight through the city, and one or two cross streets to be at least 90 feet wide; others 60 feet and lanes about 30 feet, excluding all narrow, dark alleys without thoroughfares and courts. The Exchange to stand free in the middle of a piazza and be as it were the nave or center of the town, from whence the 60 foot streets as so many ways should proceed to all principal parts of the city; . . . Many streets also to radiate upon the bridge. The streets of the first and second magnitude to be carried on as straight as possible and to center in four or five piazzas.[1]

By 1790 when L'Enfant submitted his recommendations for the plan of Washington the streets were designed with widths from 80 to 120 feet, while the avenues were to have widths varying from 120 to 160 feet.

Vehicle speed has always been limited, a 1669 Albany ordinance stipulating that:

> It is Proclaimed y^t all Persons who enter y^e Citty with slees (sleighs) and horses, horseback or oyrwise (otherwise), shall not ride faster than foot-tap throughout y^e streets, upon Penalty of three shillings for each offense.[2]

A modern example of speed regulation is found in the Illinois state law (1911).

That parking regulations are in no sense modern is proven by the fact that hackney coaches were prohibited from standing in the streets of London as early as 1660, the law requiring them "to stay in the yards until they may be wanted."[3] The regulations of the Detroit police department include a map showing the streets upon which parking is entirely prohibited and the limits of the district within which a time limit is placed. This limit varies with the street.

The location of the parked vehicle with reference to the curb is also generally stipulated, only parallel parking being permitted according to the Detroit ordinance although in certain specially designated parking places diagonal parking is permitted in the center of the street. The New York police regulations permit two lines of vehicles along the outer edge of certain streets and along the center line of other streets, while diagonal parking is permitted in other thoroughfares. Infractions of the Detroit rules makes the automobile subject to removal to an automobile pound.[4]

Due to the great growth in street traffic it has been found necessary in modern times to limit it in various ways. One-way streets have proven themselves exceedingly effective and are growing rapidly in use in American cities. The Boston ordinance,[1] for example, stipulates that "between the hours of seven o'clock a.m. and six o'clock p.m., Sundays and legal holidays excepted, vehicles shall pass in but one direction in" certain specifically named streets.

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[1] "Sir Christopher Wren and His Times" by James Elmes, London, 1852.

[2] Stratton, page 400.

[3] Gilbey, pp. 32–33.

[4] Detroit Ordinance 680-A, Section 9.

Segregation is another device to which resort has been made, the best modern example being that found in the Borough of Manhattan, promulgated by the police department under authority of the charter in accordance with which during certain hours of the day commercial vehicles are not permitted to operate on certain streets except to make collections and deliveries while pleasure vehicles are similarly excluded from other thoroughfares.[2]

Private rights of way have long been the rule for trunk line railroads although the first railroads were built along the public highways in England and many in this country occupy public streets where they pass through communities. Street railroad corporations have generally occupied the public streets although in some instances, notably in St. Louis, they have acquired more or less extensive private rights of way. What is somewhat analogous to the latter practice but in this instance proposed for motors has been suggested in Los Angeles where a special high-speed motor truck highway has been designed to connect Los Angeles City with its harbor, the idea being that it would be set aside almost exclusively for the use of commercial vehicles operated between the destinations mentioned. Modern practice is leading to the diversion of steam railroads outside the built-up portions of cities through which they were originally permitted and often urged to pass when they were constructed.

In connection with the Lincoln Highway where it passes through Philadelphia, the 1918 Annual Report of the Bureau of Highways[3] of that city remarks that a proposed cut-off will save six miles for all traffic going westward through Philadelphia.

Sympathetic exploitation has taken various directions. Telford (1757–1834) and Macadam (1756–1838) introduced the historical improvements in English highway construction. Practically no improvement had taken place from their day down to the beginning of the present century when better binders were introduced for macadam roads, largely due to the necessity of protecting the old water-bound macadam against the destructive action of automobile tires.

Largely through commercial initiative, special facilities have been provided as demands arose in the way of road houses, garages and repair shops, while civil authorities have assumed heavy burdens in the way of paving betterments, the widening of thoroughfares, the strengthening of bridges, the enlargement of street intersections, and in a few cases in the elimination of grade crossings. A notable example of the latter variety is seen in the Park Avenue bridge and the viaduct around the Grand Central station in New York which created a through thoroughfare of Park Avenue largely to relieve the congested traffic on Fifth Avenue.

Turning now to (B) the special urban problems,—they may be subdivided in character as to whether they apply principally to

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[1] City of Boston, Street Traffic Regulations and Rules for Driving, revised to October 1, 1919. Art. 8, Sec. 1.

[2] Circular No. 27, Police Dept., City of New York, August 23, 1918.

[3] Page 52.

(1) passenger, or
(2) commercial vehicles

and in each instance as to the conditions which surround the vehicles when

(a) moving
(b) standing.

As already mentioned, marked progress has been made in improving the surface conditions and the supporting power of pavements and marked increases in this direction will take place as fast as the pavements are relaid to make them conform to the present ordinance limitations in weight of vehicles. The character of pavement surface has been greatly improved during the past decade, largely to afford more comfort to riders in passenger vehicles, and future progress will doubtless continue in the same direction. These matters interest city planners from the fact that these betterments cost increasing amounts of money and the economics of the problem always limits the careful designer.

Note has been made of the growth in street width which has taken place in the past. This experience evidently points to provision for even greater future accommodations to take care of the present maximum size of vehicles in their greatly augmented future numbers. Before it is possible to determine the proper width of future streets it is necessary to consider present and future operating conditions. Experience derived from traffic counts has shown that one vehicle per foot of width of roadway per minute is the present day maximum under normal city conditions where intersecting streets occur at short intervals and where traffic is permitted to operate in both directions on main and cross streets, subject only to normal police control. The creation of one-way streets (which it has been noted is growing rapidly) is believed from careful observation to provide for fully double this unit quantity of travel, while a more radical innovation in street traffic control, it is believed, will add at least another equal increment to the potential traffic of existing streets. This control device may be explained briefly by citing the conditions which would exist were companies of soldiers with considerable intervals between each company to be marched up and down any street. Obviously ample opportunity would exist for those using the cross streets to turn into the thoroughfare through which the soldiers were marching, joining companies marching in either direction as was desired through the gaps between companies and when the gaps coincided at any street intersection, cross traffic could occur without impediment. In order to make the device effective it will probably be necessary to install automatic signals at frequent intervals which will be operated from some central synchronizing station very much as block signals are now automatically operated on the railroads. It may then be stated that by the introduction of improved traffic regulations, existing streets may be employed to at least three times their present capacity and city planners should take this into account in designing the major street systems of old and new communities.

In order to provide for changes of use, the elastic street has been suggested. Thus far the elasticity has been horizontal. There is no reason, however, to preclude vertical elasticity for a further segregation of street use in existing congested districts. Steps in this direction have already been taken in the construction of rapid transit lines upon elevated structures and in subways, thus removing one of the principal elements of street traffic.

In a few instances, double level vehicle streets have been constructed, generally in connection with the erection of viaducts being constructed through a street in a valley but in such manner as not to preclude a continuation of its use for traffic purposes. Examples of this kind are the Riverside viaduct where it crosses the Manhattan valley in Manhattan and the new 12th Street traffic way in Kansas City. More extensive plans for double level streets were designed in connection with the New York Central west side improvement, presented to but not yet officially approved by the board of estimate of New York city, while still more ambitious projects of the same nature have been put forward from time to time for the creation of a two-level roadway through the full length of West Street as it runs parallel and adjacent to the Hudson River in Manhattan.

Suggestions have also been made for the separation of pedestrian from vehicular travel by the construction of overhead sidewalks. These have been proposed, for example, for installation in the side streets leading from several of the Hudson River ferries up to Broadway, Manhattan, and investigation showed them to be entirely feasible,—in fact, the economics of the case is clearly in their favor. Had it not been for the relatively short distance affected by the Oxford Avenue sidewalk arcade in Philadelphia (costs of condemnation for which amounted to $23 per square foot) it would have been cheaper to erect an overhead sidewalk in the existing street and widen the roadway beneath the sidewalk to exactly the same dimensions as that finally employed. The inconvenience, however, to pedestrians having to mount the overhead sidewalk in this instance would probably have created insurmountable objections at the time the widening was made. With such overhead structures costing in the vicinity of $3 per square foot it is evident that such widenings as that of Avery Street in Boston (where the acquisition of real estate cost $20 per square foot). Livingston Street, Brooklyn (with a $15 per square foot cost), and Elm Street, New York (with a $37 cost), an economic limit exists beyond which it is inadvisable to make street widenings or propose wider thoroughfares, double-level streets being considered in lieu thereof.

Experience in urban traffic discloses the fact that the greatest difficulties are encountered at intersections. The Illinois Highway law, for example, takes account of the fact that vehicles which turn from one street into another must do so at a greatly reduced speed compared with that under which they can operate uniformly along a thoroughfare. This reduced speed involves increased density in accordance with well-known physical laws, which in the case of traffic, instantly reacts to accentuate congestion. Such separations of grades as have from time to time been suggested at the intersection of Fifth Avenue and 42nd Street, New York City, are heroic endeavors to relieve this difficulty. Such projects are evidently feasible only where traffic is extremely heavy so that the cost is warranted. The simplest possible means of somewhat alleviating the difficulty is by minor enlargements of the roadway space at intersections. Work in this direction has been carried out in various cities, a late modification in New York, for example, changing the ordinance relative to the radius of curvature of the curb at street intersections, enlarging it from six feet to twelve feet. With curves of still larger radius it would be necessary to cut across the corners of corner lots and to shift pedestrian crossing points away from the street lines which are continuations of the regular sidewalk space. A logical extension of this scheme is the establishment of stanchions along considerable sections of the curved part of the curb near the diagonals of the street intersection.

An extension of the scheme in another direction is toward a considerable enlargement of the intersection to such an extent that a monument site or even an area large enough to contain a building is planned in the center of the intersection, traffic being carried around such central space by what has come to be known as "the rotary traffic scheme." When the central space becomes large enough for a building site it is generally considered by those who have studied the problem that the advantageous position thus occupied will create values which are more than sufficient to pay for the costs of altering even some congested existing conditions. Were this suggestion to be carried out logically in connection with a street system wherein blocks are only 200 to 300 feet long, the constant twist of the thoroughfare would tend to an unsightly condition and create increased traffic difficulties. Instead of this scheme the logical solution would seem to be a system of streets in pairs with small blocks between the members of each couple (say 80 feet), with larger blocks between the pairs. The traffic of each member of a pair would be in a single direction in each instance with rotary traffic thus produced around each small block. This principle can obviously be applied to advantage only as a substitute for main thoroughfares, the streets in the minor system being carried across the pairs in accordance with the present method.

The practice already initiated and mentioned above of creating cut-off and detour streets for the use of through traffic should be extended, while the introduction of new diagonals where conditions warrant will also result in marked benefit. The so-called diagonal street in Newark designed to closely parallel the Passaic River and connect Market and Broad Streets so as to eliminate much traffic which turns from one street to the other at that intersection was computed would pay interest and maintenance costs and amortize the whole investment in somewhat less than five years solely from savings in gasoline and tire consumption and wear and tear on vehicles, both automobiles and wagons, and on harness, and in saving of time of drivers and passengers.

A careful study as to the possibilities of the introduction of diagonals connecting traffic centers and the creation of detours for the benefit of through traffic evidently contains great possibilities for future city replanning.

Another possibility of improvement is in the establishment of special, restricted rights-of-way for different classes of vehicles wherever traffic is sufficiently heavy. In connection with the creation of interurban motor transportation, the establishment of freight stations near the centers of distribution like those now established by some trunk lines and by interurban electric roads is a natural next step. Leading to such automobile freight stations should be established special rights-of-way extending some distance toward the city confines. A similar segregation of travel may eventually be found necessary to accommodate motor bus lines.

The suggestion may also be submitted of a further elimination of street railroad tracks from city streets, better to accommodate other varieties of street travel. The great congestion which is being developed on Fifth Avenue in New York City, due to the large increase in motor buses, points to a similar need with respect to this type of conveyance, a limitation being placed upon the number of buses which may be operated in connection with general traffic. While motor buses are much more elastic than are street cars (restricted as are the latter to permanent rail lines), and while buses also possess many public advantages, it cannot be admitted that they should be permitted to increase to an unlimited extent.

The suggestion has already been presented before previous national conferences that main thoroughfares should be designed in threes, one primarily for passenger transportation, the second primarily for commercial use, while the third is for miscellaneous traffic. The extension of this suggestion to include the substitution for the last type of street, of thoroughfares in pairs is only a minor modification.

Turning to the problems involved by standing vehicles, the first which logically presents itself is that in connection with vehicles which are waiting to make a turn at street intersections. Practice as to this item differs in various cities. In some instances waiting vehicles occupy the center line of the street while in some others (whether the latter area is occupied by railroad tracks or not) waiting vehicles are required to stand next to the right-hand curb, parking being prohibited in the district thus involved with the point in view of accommodating such vehicles as are desirous of making a turn. With this idea in mind and also in many instances to provide for safety zones for street car passengers waiting to board cars, the roadways have been widened. In all cases thus far encountered this widening has resulted simply in a narrowing of the sidewalk. This narrowing is obviously a disadvantage since it occurs where pedestrian street traffic is generally most congested. To obviate it, street designs should be made with street lines set back at the corners.

The parking of vehicles is probably the most pressing question now before urban authorities in connection with automobile traffic problems. This question involves the whole theory of the use of streets. The laws as to street use have generally been interpreted as meaning that streets are set aside primarily for traffic.

Residence streets are almost exclusively used by and for the owners of the adjacent property. Generally the original street opening and construction and in many instances repavings (at least in part) have been directly assessed on abutting property. Under such circumstances the use of the street for the parking of vehicles belonging to residents or those who visit them takes place on property which, while it belongs to the public in general, has been paid for and is devoted almost exclusively to the use of adjacent property owners.

On heavy traffic, business streets, on the other hand, the rights of the general travelling public are obviously paramount, and the rights involved in parking vehicles along them are not as clear. In many instances ordinances have been passed permitting property owners or the police to establish zones in which all parking is prohibited. A vehicle owner who drives into the mercantile district with the desire of spending a greater or less amount of time visiting shops or offices, can in few instances park his car immediately in front of the latter because of the great number who desire to do so. Under such circumstances the car is occupying space primarily for the driver's own convenience and generally only in a minute sense to the advantage of the adjacent property owner. A marked tendency now exists toward doing away with this privilege, almost every city having passed ordinances limiting the time of such parking and in many cases precluding it entirely even when the vehicles are constantly accompanied by a driver who can move them to accommodate traffic needs.

Clubs have established parking accommodations on adjacent private property for the use of club members. Railroad stations have provided space for waiting taxicabs on their grounds, sometimes on the surface as in connection with the Lehigh Valley station in Buffalo or below the surface as is the case at the Pennsylvania and New York central stations in New York; while one department store in New York is reported to be contemplating the acquisition of private property where its patrons can leave their cars after discharge of passengers at the store entrance and from which the cars can be called by a system of electric signals like those so widely used by theaters and opera houses. The Waldorf in New York city constructed a private street (which is largely used by standing vehicles) for the accommodation of its patrons, and a few New York theaters have followed the same course.

This seems to be the only logical solution of this problem and a prophecy is hazarded that eventually no vehicles will be permitted to park except directly in front of property owned by those occupying the car or with whom they desire to do business and then only for very short periods, depending upon the traffic needs of the streets in question.

In some instances municipalities have arranged for the parking of vehicles on publicly owned land as is the case in Cleveland or upon large street spaces in the form of plazas as in Detroit. This seems a use of public property for private benefit in contravention of the spirit of the law and is to be discouraged.

Just as accommodations have been provided for passenger vehicles, so a similar tendency seems to exist with reference to those used for commercial purposes. The Wanamaker store in New York, for example, has provided loading space within its building where its vans and delivery wagons load and unload and practically all modern railroad freight stations are being designed similarly. In many instances a two level arrangement is employed, railroad cars being on an upper level and vehicles loading and unloading or waiting to do so are assigned space immediately below, at street grade. Such is the arrangement of the new freight station in Chicago and this scheme can and should be adopted for interurban trolley or automobile freight stations as well.

These several studies point to the following conclusions with reference to the planning of cities in their relation to the automobile problem:

(1) Street traffic will increase greatly in amount and probably also in size and weight of vehicle.

(2) Regulations will always largely control traffic matters and cities should be designed with this idea in mind.

(3) Streets should be designed with heavier pavements than at present.

(4) The elastic principle should be applied to the determination of the width of all thoroughfares but streets wider than those now contemplated can be secured most economically by the use of several levels and the segregation of different kinds of travel upon them, so that street car traffic may be carried in subways or on elevated structures and provision be made for overhead sidewalks and similar features.

(5) Special traffic studies should be made to determine the most advantageous location for cut-offs and detours (radial and circumferential streets) and whenever found economically feasible they should be introduced into existing systems and as far as possible planned for any future developments.

(6) In connection with the handling of freight by automobile truck, private rights of way should be arranged by the trucking interests to reach freight stations located near the centers of distribution.

(7) In connection with such special rights of way and in other places where traffic conditions warrant, separation of grades at crossings is to be considered.

(8) Of all intersections, studies should be made of the economical possibilities of enlargement by cutting off building corners and providing setbacks of the building line for a considerable distance on each side of each corner in order to provide reservoir standing space for street traffic.

(9) These setbacks and cut-offs should be accompanied by setbacks of the curb and a considerable enlargement of the curb radius at the corners.

(10) Where considerable enlargements are deemed necessary, consideration should be given to the possibility of introducing features at the centers of intersections around which traffic should be carried by the rotary principle.

(11) In cases of extremely heavy traffic, consideration should be given to the introduction of pairs of one-way streets in lieu of extra wide thoroughfares, space between the pairs being devoted to the usual real estate use.

(12) The scheme of designing streets in threes should always be considered for those destined to carry heavy traffic, so that surface street railroads, commercial vehicles and other traffic may be cared for respectively.

(13) In general, parking space should not be provided to any great extent in city plans, such parking space in connection with railroad stations (both freight and passenger), theaters, hotels and even department stores and commercial buildings being arranged on private property.

DISCUSSION OF THE URBAN AUTO PROBLEM

BY HARLAND BARTHOLOMEW

Engineer, City Plan Commission, St. Louis

Mr. Goodrich's able and interesting paper constitutes a valuable contribution to the literature of the problem of automobile traffic in cities. Perhaps the paper can best be discussed by taking *seriatim* the several conclusions given by Mr. Goodrich.

(1) "*Street traffic will increase greatly in amount and probably also in size and weight of vehicle.*" During the war it was found that the increase in automobile traffic within the business district of St. Louis amounted to approximately 15 per cent annually. With the increased production of motor vehicles following the war, it may be predicted safely that an equal or greater increase will occur in all cities, large and small. This means that traffic on the streets will double every four or five years for the next few years at least. Figures recently published by Frederick S. Green, state highway commissioner of New York (*Engineering News-Record*, April 25, 1920) show motor traffic increases of 2,710 per cent in ten years (1909–1919) on the Albany Post Road at Peekskill. Figures also presented by Commissioner Green indicated increases of from 140 per cent to 387 per cent in motor truck traffic on certain roads for the three year period of 1916–1919.

There is little question but that the density of street traffic will become a more acute problem each year.

In 1916 Nelson P. Lewis, chief engineer, New York City, prepared a paper on "The Automobile and the City Plan," which showed results of a canvass of automobile manufacturers with respect to all trucks manufactured. In this it was shown that there was an evident tendency toward standardization of the sizes of trucks, the 1, 3½ and 5 ton trucks being more universally used. It would be interesting to note the tendency in size and capacity of trucks since that date. Certainly we know that trucks of much larger capacity have made their appearance on streets of large cities since that time and there have been introduced trailers of varying capacities. One of the worst examples of the abuse of size of vehicles was that of a truck taking excavations from the subway in 33rd Street in New York City using large trailers with iron tires whose constant use broke down a recently laid modernly constructed pavement on Forty-second Street. During the recent switchmen's strike in St. Louis it was found difficult to secure building materials on certain large building projects on Washington Avenue and vehicles appeared on the streets carrying as high as 13 tons of cement each. A few large cities have adopted regulations governing the size and weight of vehicles. This is absolutely imperative if large cities as well as small are to protect their present pavements and to avoid excessive cost in the laying of new pavements.

The increase in street traffic serves to destroy pavements on certain main traffic routes and where these thoroughfares have not developed for business purposes, the pavements are destroyed long before their natural span of years had they been used merely by those residents whose property fronted on the street. It becomes a duty of the municipality consequently to assist in meeting the expense of the renewing of these pavements, if not to pay the entire cost. In the $24,000,000 bond issue to be voted on in St. Louis May 11, an item of $360,000 has been included as a start toward the replacement of pavements on main traffic thoroughfares at general public expense.

(2) "*Regulations will always largely control traffic matters and cities should be designed with this idea in mind.*" The results to be accomplished through traffic regulation are as yet practically unknown in all but a few of the largest cities. The importance of the relation between design and traffic regulations is probably best illustrated by the fact that more people are killed in automobile accidents on two of the circular street intersections in Washington, D. C., than at any other points in the city. This is not due to the fact that circular street intersections are dangerous but that in these two particular places improper design and improper traffic regulation make these particular intersections more dangerous than other similar intersections within the same city.

(3) "*Streets should be designed with heavier pavements than at present.*" While it may be necessary to design heavier pavements than at present I do not agree with this as a general statement for it would be better first to regulate the size and weight of vehicles in order to avoid unnecessary expense in pavements. In the second place if investigation shows the desirability of heavier pavements than are now laid, the importance of a major street plan at once becomes most significant, for no city is justified in laying heavier pavements throughout hundreds of miles of streets against the possibility that some of them may be destroyed by vehicles of great weight, but rather the street system should be so designed that the major traffic thoroughfares be differentiated from minor streets and if heavier pavements must be laid these can be confined to the major streets which constitute only from 20 per cent to 25 per cent of the street mileage within the city. The extra expense of heavy pavements on these major streets can in part be offset then by laying less expensive pavements on the remaining 75 per cent or 80 per cent of the city's mileage in minor streets.

(4) "*The elastic principle should be applied to the determination of the width of all thoroughfares but streets wider than those now contemplated can be secured most economically by the use of several levels and the segregation of different kinds of travel upon them, so that street car traffic may be carried in subways or on elevated structures and provision be made for overhead sidewalks and similar features.*" There is no doubt that many of the devices suggested for separation of travel within the densely built-up business districts of many large cities will have to be resorted to in varying degree. Rather than to continually increase this concentration by mere expedients, should we not on the other hand take equally strong measures to decentralize the central business districts of these large cities and particularly those cities now experiencing great growth, in order to avoid the tremendous expense of separation of levels for different kinds of travel, etc. One of the most effective and necessary methods of decentralization of main business districts is to limit the height of buildings not merely to provide the adequate light and air for workers in those buildings but to thus distribute the district over a greater area, diffuse traffic and at the same

time diffuse values of property. To diffuse the traffic will make it easier to handle and will reduce congestion at the intersection of a few main streets. To diffuse property values will be to create advantages for many rather than a few and to materially increase the income of the city in taxable values.

(5) "*Special traffic studies should be made to determine the most advantageous location for cut-offs and detours (radial and circumferential streets) and whenever found economically feasible they should be introduced into existing systems and as far as possible planned for any future developments.*" Several cities are now undertaking the construction of circumferential or radial streets by which to divert traffic from a congested business center. In Detroit ordinances were recently approved for the opening of what is known as the Dix-High-Waterloo traffic route. It is proposed to so connect and widen these three streets that a complete crosstown highway having a minimum width of 80 feet will extend across the entire city approximately one-half mile north of the business district. The present tremendous congestion of traffic about the City Hall in the business district of Detroit is caused by the convergence of numerous radial streets at this point. Traffic from the north or east destined for the western part of the city or vice versa now has no opportunity to avoid the congested traffic of the business district except through narrow, tortuous streets. This improvement will cost approximately $3,000,000 and should serve to lessen considerably present congestion in the business district.

In Omaha there exists an inner belt railway approximately two and one-half miles distant from the city's business center. Paralleling this belt line and at distances varying from 150 to 600 or 800 feet east of it, a new street is to be created known as the Trafficway. This is an excellent example of a circumferential street being created through the widening of certain existing streets and the opening in some cases through improved and unimproved property of a circumferential thoroughfare passing approximately through the physical center of the entire city.

(10) "*Where considerable enlargements are deemed necessary, consideration should be given to the possibility of introducing features at the centers of intersections around which traffic should be carried by the rotary principle.*" When it is proposed to use the rotary traffic principle at street intersections it is extremely important that the design should be carefully studied. In no case should an intersection be planned with a radius of less than 150 or 200 feet. The width of roadway should be narrow rather than wide so that traffic will flow in well defined lines, otherwise great danger of accidents will be present. The circle or other geometrical feature should be carefully centered on the axes of the various streets approaching the intersection, otherwise an extremely difficult traffic problem will result. At the Lindell Avenue entrance to Kingshighway in St. Louis a rotary traffic plan has been introduced and modified numerous times but no successful solution ever arrived at because the circle is not on the center with the several streets approaching the intersection. Only until the circle has been so centered can there be any successful operation of the radial traffic principle.

(11) "*In cases of extremely heavy traffic, consideration should be given to the introduction of pairs of one-way streets in lieu of extra wide thoroughfares, space between the pairs being devoted to the usual real estate use.*" Mr. Goodrich's suggestion for the introduction

of pairs of one-way streets in lieu of extra wide thoroughfares is particularly desirable where the creation of a single wide thoroughfare is prohibited from the standpoint of cost. Experience would seem to indicate the desirability of not too great width in thoroughfares if traffic is to be handled expeditiously and satisfactorily. I do not quite understand why Mr. Goodrich suggested merely the depth of one lot between these groups of parallel thoroughfares. To be sure these lots would have double frontages that might make them desirable for business purposes but they would be so inaccessible between the two heavy traffic streets that their value would be proportionately less. If pairs of one-way streets are to be created there would seem to be no justification for any other than the usual type of land subdivision with a full block of property between such one-way streets.

(13) "*In general, parking space should not be provided to any great extent in city plans, such parking space in connection with railroad stations* (*both freight and passenger*), *theatres, hotels and even department stores and commercial buildings being arranged on private property.*" There should be general agreement with Mr. Goodrich's conclusion that the problem of the parking of vehicles must be met at private rather than public expense. There is ample precedent for such a conclusion; if parking space were to be provided at public expense, cities would soon become bankrupt at the present values of land within the business district of large cities.

DISCUSSION OF THE URBAN AUTO PROBLEM

BY AMOS SCHAEFFER

Consulting Engineer, New York City

In his paper on "The Urban Auto Problem," Mr. Goodrich has raised several questions which, for a number of years, have caused considerable anxiety to the officials of the Borough of Manhattan, New York city. There are two phases of the question which appeal particularly to the writer; namely:

I. The relation of design between auto trucks and roadways.

II. Traffic
- (a) Its regulation.
- (b) Space for its development.

The author has pointed out the need of designing pavements to carry heavier and larger loads. Highway engineers are gradually beginning to recognize this need, and are designing new roads and pavements to meet these new requirements. The problem of keeping the design of the roadway and the auto truck properly balanced, however, is not entirely that of the highway engineer; it is also that of the automotive engineer. The highway engineer may be slow at times to recognize the need of highways of greater capacity; he is unable, on the other hand, to adapt existing pavements to the rapidly increasing demands made upon them by heavier and larger trucks. A properly and well-built road will last at least ten years. During the same time, the auto truck may have doubled or tripled in weight and size. It would be manifestly extravagant to attempt to rebuild these roads to keep pace with the development of the auto trucks, yet the automotive engineer takes the attitude that it is the duty of the highway engineer to keep pace with his development of the truck.

As an example of this, the controversy between the automobile interests and engineers as to the width of the roadways necessary in the proposed vehicular tunnel under the Hudson river, between New York and New Jersey, is a case in point. The engineers propose a roadway twenty feet in width, for two lines of traffic in the same direction. Although this is one foot more per line of traffic than has been considered necessary in the past, the automobile interests advocate a still wider roadway to accommodate the constantly increasing width of the auto truck. All interests would be served better if a width were fixed beyond which the builders of trucks might not go. In fact, laws and ordinances are in effect in many places governing the weight and dimensions of vehicles.

The author of the paper has pointed out that the art and science of constructing highways has been the study of mankind for thousands of years, while the development of the auto truck has been a matter of decades. Highways are financed by public funds; auto trucks by private. The procuring and expenditure of public money is much less elastic than that of private money, on account of the many restrictions and checks which the law usually imposes. It is partly for this reason also that highways do not keep pace with the demands which are made upon them.

The author suggests a movement of traffic to relieve congestion which he compares to a military organization on the march, where the distance between the company or battalion formation is considerable. He proposes to take advantage of these open spaces for the movement of the east and west traffic. The police department of New York has recently put into operation, as an experiment, a method of regulating traffic which embodies those principles to some extent. The traffic is regulated from five towers which are located in the center of Fifth Avenue, at street intersections from 34th Street to 57th Street. The traffic at 42nd Street being the densest, the tower at this intersection is used as the master tower from which all the others are operated.

The other towers, both to the north and to the south, take their signals from the master tower and flash their lights at the same time. All north and south-bound traffic, therefore, moves simultaneously, and since there is no interruption by east and west-bound traffic, a speed of 20 miles an hour is sometimes attained. In fact, speeding up is encouraged. The experiment has been successful beyond hope.

The segregation of light and heavy traffic to certain streets has also helped in the solution of the New York problem. It is believed that additional relief in the immediate future, at least, must be looked for in the regulation of traffic rather than in providing more space. There is a limit to the additional space which may be made available within the present street lines, and even that can only be obtained at great expense, while the laying out of additional thoroughfares through the highly developed sections of the city is beyond contemplation.

The parking of automobiles in New York city is becoming a very serious problem. There is very little space which may be assigned to the use of the public for parking automobiles. Automobiles may be left at the curb for considerable periods of time, except in the most congested sections of the city. This privilege is frequently very much abused. People having places of business in the city who live outside of the city drive into town and leave their cars at the curb in front of their places of business until they are through with their day's work. Recently, a young lady whose home is out on Long Island drove her car into Brooklyn and left it at the curb not far from Borough Hall, where it remained all day. During the early evening it was removed to the incumbrance yard by the authorities. About 10 o'clock, the owner of the car, being unable to find it, was told that it had been taken to the incumbrance yard. When questioned as to the reason why her car had been left so long, she explained that she had an errand in Philadelphia and drove to Brooklyn in her car, where she left it, and took the subway to the Pennsylvania station, where she took a train for Philadelphia. Of course, she expected to find her car, on her return, where she had left it. The need of parking space is seriously felt by department stores, hotels and theatres, whose patrons at present have to travel several blocks before they can find space where they may leave their cars, even if they are attended.

In the produce district, in the lower part of the city, merchants for many years have been in the habit of maintaining loading platforms in front of their places of business. In some cases trucks are backed across the sidewalks against these platforms, and in others, a temporary bridge is thrown across the sidewalk, for the purpose of loading and unloading produce. During this time pedestrians are compelled either to pass around the trucks or climb over the loading platform. Sume of these obstructions are being gradually removed, particularly near subway entrances, to make way for the rapidly increasing pedestrian traffic. Merchants and manufacturers are beginning to recognize the fact that the public highways cannot be occupied much longer for this private use and are gradually providing these facilities on their own property. The time is not far off when this use of the streets must be given up.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

The Home I Want. Including a full explanation of the new Housing and Town Planning Act. By Richard Reiss. Second Edition. London, Hodder and Stoughton, 1919. 197 pp.

No one can read this volume and doubt that the English intend to have comprehensive action in both housing and town planning, but the writer reproaches his countrymen with slowness in practical accomplishment. Mr. Reiss, who is chairman of the Executive Board of the Garden Cities and Town Planning Association and member of the Advisory Housing Council of England's recently created Ministry of Health says: "At least half a million houses are required to meet the emergency shortage and another half million if the insanitary and dilapidated houses are to be replaced. The present problem . . . is not confined to . . . the poorer classes," but touches as well such persons as "bank clerks, teachers, lecturers and curates." For the men recently demobilized and for others he insists on decent standards of housing, whether urban or rural—this, not merely for the reasons put forward for many years, but also "to help remove causes of industrial unrest."

Mr. Reiss upholds England's present action in subsidizing housing, upon which he reports all parties in the House of Commons agreed, and argues against permitting the trebling of rents to make possible economic returns from new buildings constructed now. He describes the provisions of the Increase of Rent and Mortgage (War Restrictions) Act of 1915, which has prohibited for a time the raising of rents and of mortgage interest rates for small houses. He shows how the Housing and Town Planning Act of 1919 makes it obligatory to develop housing and town planning schemes and furthers slum clearance operations.

The book contains suggestions on planning, construction and management of houses and house surroundings, including roads; on town lay-out and on individual and group action, both official and private, for housing and town planning improvement. Emphasis is laid upon the part which women should play in the housing movement and upon the relation between poverty and bad housing. The volume ends with the following sentence which clearly expresses the spirit of the book and of England's effort which it describes:

"The war has brought about vast changes in our social life and mental outlook. It is for us to decide whether the peace shall not bring with it changes even greater. It is within our power to create a new world."

Emily W. Dinwiddie.

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The Housing of the Unskilled Wage Earner. By Edith Elmer Wood. New York, The Macmillan Company.

Mrs. Wood has written a much needed book, and written it well. No other work furnishes, as this one does, a modern summary of the housing situation in this country, with references to legislation and other sources of original information. The synopsis of foreign law and practice, in this connection, is also convenient.

The book begins with a brief statement of the problem; a short history of housing and description of housing conditions in a number of cities in different parts of the country follows; then comes a history of restrictive legislation here, and of efforts to raise standards and improve conditions by model housing under private initiative; next is a history of the housing experience of foreign countries; then an account of the beginnings of constructive housing legislation here, and a discussion of the objections to such legislation is given; and finally the author states the comprehensive housing policy which she advocates for this country, adding a draft of a national bill.

The debatable portion of the book is of course the suggested housing policy. This policy, including as it does, restrictive legislation, government money at the rate the government pays for it, and city planning, may be said to be comprehensive; but city planning is merely mentioned, no idea of the part it must play in the solution being given; to get this idea the reader must supplement Mrs. Wood with such works as the inspiring little English book "New

Towns After the War," the suggestive pamphlets of our own "Committee on Industrial Towns" and the report, just out, of the New York state housing committee of the reconstruction commission. Nothing can be clearer to the man who is willing to face facts than the fact that restrictive legislation, philanthropy or semiphilanthropy, and government money at low rates are, alone, inadequate remedies. We must have also decentralization of industry and population, scientific planning, zoning and development, large scale and large unit production of building land and buildings, the speedy conversion of acreage into lots occupied by buildings in use, to save the great waste due to carrying charges, regional planning including not only transportation but a greater control over the location of cities and their development, and the conservation of the increment of value due to city growth for the benefit of housing. Radical as these suggestions may sound to some, they have all been tried and proved successful on a comparatively small scale. To apply them on a large scale is obviously much more difficult. Ultimately, however, it will be accomplished; for most of the present remedies as employed by us, are merely palliatives which ultimately increase the evil we are combating.

Frank Backus Williams.

II. REVIEW OF REPORTS

Bulletins for the Constitutional Convention of Illinois. Compiled and Published by the Legislative Reference Bureau. Springfield, no date.—An important development in the machinery of constitutional conventions is the provision now commonly made for supplying to the delegates authoritative information on the various subjects which they are to consider. For the New York Convention of 1915 a commission was appointed which issued the well-known *Index-Digest of State Constitutions* and a series of elaborate studies dealing with various aspects of the government of New York. Massachusetts in 1917 also created a commission which published thirty-six pamphlets dealing with subjects which seemed likely to come before the convention. With but few exceptions these subjects were of general interest and did not relate peculiarly to Massachusetts. Illinois, Nebraska, and possibly other states have adopted similar measures, and in the future it is not probable that any state will undertake a thorough revision of its fundamental law without making some sort of provision for supplying its convention with reliable and impartial data.

In preparation for the assembling of the constitutional convention of Illinois, the legislative reference bureau was charged with the duty of collecting and publishing information for the delegates. This duty was entrusted to Dr. W. F. Dodd, who has issued pamphlets containing the texts of the three constitutions of the state and of the rejected constitution of 1862, the text of the present constitution elaborately annotated, and a series of fifteen brief bulletins dealing with such subjects as the procedure and problems of the constitutional convention, the initiative, referendum and recall, the short ballot, municipal home rule, farm tenancy and rural credits, and social and economic problems. Of special value not only to the delegates but to students of government everywhere are the bulletins which deal particularly with government, both state and local, in Illinois. While in some cases their argumentative tone might raise a question as to their impartiality, it must be said that these studies are well arranged, clearly presented, and admirably adapted to their purpose. Although prepared especially for the Illinois convention, their usefulness is by no means confined to that body or to the people of that state.

Lawrence B. Evans.

Washington, D. C.

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Report of the Special Joint Committee of the New York State Legislature on Taxation and Retrenchment.—This report is described on the title page as the "Retrenchment Section," but there is nothing in the report or the letter of transmittal to indicate whether there has been or will be a "Taxation Section" or any other section. Notwithstanding its description as a section, the volume is divided into two parts which are also called sections, one on retrenchment in city government and one on retrenchment in county government. The subject matter shows evidences of having been prepared by a trained staff.

While the committee does not hold out much hope for a reduction in the cost of municipal government it makes some commendable proposals for the correction of particular defects in existing governmental organizations and practice which should effect considerable savings.

The report is summarized in the committee's eleven recommendations:

1. The adoption of a legislative policy which will promote sound municipal organization.
2. Further study of the relation of school administration to city administration, although the committee does make a few concrete suggestions.
3. A budget system including all funds and actually controlling expenditures.
4. A comprehensive bonding act.
5. Authorizing cities to assess and collect taxes earlier in the fiscal year to avoid borrowing in anticipation of taxes.
6. Placing pension funds on an actuarial basis.
7. Central purchasing and the utilization of the city's facilities by boards of education.
8. Abolition of tax limits, substituting centralized and responsible governmental organization, with the budget system.
9. The amendment of such laws as require unnecessary expenditures.
10. The reorganization of assessment offices and improvement of equalization methods.
11. Further study of tax exemptions.

Only four pages of the report are devoted to retrenchment in county government, which are summed up in a recommendation for a constitutional amendment to allow elasticity in governmental organization so that urban, rural and mixed counties may all have governments suited to their needs.

Henry E. Pearson.
Bureau of Municipal Research of Philadelphia.

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Merit Maxima in Public School Work.—Bulletin no. 8 of the Allied Association of Public School Teachers of Baltimore, March 13, 1920.

This is a pamphlet of twenty-two pages, prepared for submission to the board of superintendents, and through that board to the board of school commissioners.

In this pamphlet, the teachers discuss in an intelligent and broad-minded manner the recognition of merit in the advancement of teachers on the salary schedule. They frankly avow "that the logical basis for merit promotion, from the standpoint of the public which pays the bill and the pupil who receives the ultimate benefit, is not credit for hours of study, whether in training school, college, or elsewhere, but class room performance." Nevertheless, they point out that the school organization, at least in Baltimore, possesses no agency which can be expected to evaluate class room performance of two thousand teachers so accurately as to justify making it the basis of advancement at present.

They conclude that, in the absence of facilities for carrying out a more scientific plan, the city could do substantial justice to all interests by automatic increases up to a certain point, beyond which teachers should be advanced only in recognition of approved professional or academic outside courses.

Meanwhile, an enlargement of the supervisory staff is suggested, and its reorganization in a way to make possible promotion on a basis of class room excellence is urged.

The recommendation of a maximum of $1,500 for elementary and $2,600 for high school teachers is not extravagant, though the wisdom of so great a chasm between the salaries paid for the two grades of work may well be questioned.

Bruce M. Watson.

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The Czechs of Cleveland, by Eleanor E. Ledbetter of the Cleveland Public Library, is the sixth of a series of brochures published by the Cleveland Americanization Committee on the principle that if Americans in general would more readily recognize the value of what the immigrant brings to us it would be much easier to teach that immigrant the culture of America. The author attempts to enable us to understand the Czechs (of whom it is said Cleveland contains a larger number than any other American city) by sketching the course of Czech immigration to America and of the settlement of Czechs in Cleveland, and by describing the racial characteristics of the Czechs. Thus we are told that the Czechs are a thrifty people, as shown by their savings and loan associations; that they are deeply religious; that music, the drama, and gymnastic work are "among the things without which the Czech cannot live"; that fraternal organizations are a striking feature of all Slav life in America; that the Czech comes to America "with the determination to adjust himself to American conditions just as soon as possible"; that the Czechs do not seek political preferment, and that they split the ticket or vote independently "whenever the character of the issues or the personality of the candidate makes an appeal to them." Their business associations, outdoor and social clubs, desire for education and taste for books, business sagacity and skill as workmen, and patriotism during the war are also prominently mentioned.

The author is an enthusiastic friend of the

Czechs rather than a critical delineator. If her picture is a fair one Americanization committees have nothing to offer them.

R. R.

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Making the Annual Report an Asset to a City.—A recent issue of *Kansas Municipalities*, published by the League of Kansas Municipalities, at Lawrence, Kansas, contains valuable suggestions for transforming the annual report of any city administration from a mere "piece of red tape required by law" to an interesting, informing document that will really acquaint the taxpayer with the management of his government. The way to make a report readable, the use of comparisons and pictures, the style and form of the report, methods of circularization, and the value of the report as an advertisement of the city, are discussed, and practical suggestions are given that will prove of interest and help to all who are concerned in compiling or improving documents of this kind.

An important activity of the League has been to promote more intelligible cost accounting in public utilities under municipal ownership. It is claimed that only one city out of fifty can give adequate information on the cost of water, or electric service.

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Initiative and Referendum Election Statistics.—This collection of data for states having initiative and referendum laws, for the period of 1909–1919, has been compiled by Hazel Rasmussen of the Wisconsin legislative reference library. After a prefatory summary of the period covered for each state, showing the number of initiated and referred measures and constitutional amendments submitted, and the number of each class adopted, there is a detailed analysis, year by year for each state, with a descriptive title of each question submitted and the vote for and against. The corresponding votes for governor are given for comparison.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Detroit M. O. Plan Hanging Fire.—Latest returns indicate, as William H. Taft once said, that Detroit is "still hanging by the gills" as regards its problem of street car transit. The much-heralded municipal ownership plan of Mayor Couzens, which was adopted by the people at the election of April 5 last by a majority of 63.6 per cent of the total vote cast, is already at a standstill, owing to a half-dozen varieties of injunction and other cases at law which have been started by the Detroit United Railway company to forestall action.

While the situation is a great disappointment to large numbers of Detroit citizens, it is no surprise to old inhabitants, familiar with the fights which have been waged, one after another, since the days of Mayor Pingree. After a dozen failures to solve the problem in the last twenty years, in most of which the question of municipal ownership was at least involved in the issue, Mayor James Couzens was elected to office in November, 1918, on a platform which promised a new deal. Couzens was viewed by his friends as the new Moses who would lead into the promised land where no D. U. R. would trouble the city, as the Philistines troubled Israel of old. He was to be the Napoleon, but with no Waterloo.

Contrary to conditions general in the rest of the country, the Detroit transit concern has been paying good dividends on a five-cent fare. This has been due chiefly to the great volume and density of traffic; the crying need of extensions, operation of which would increase overhead costs; and lack of such steam road competition as, for example, Boston must face. Mayor Couzens began action immediately on entering office by submitting a plan for purchase of the entire D. U. R. system by the city. The people, in April, 1919, voted it down. The price fixed was $31,500,000. The law requires a 60 per cent majority, but the plan received only 46 per cent of the votes.

Next the mayor proposed a downtown subway dip, costing about $10,000,000, to relieve congestion, permit extensions of surface lines, and make a beginning of an ultimate subway system. Ample surveys had been furnished by Barclay, Parsons & Klapp. Mayor and council and street railway commission were "sold" as to the plan. But it involved a contract of some kind with the D. U. R., hence the municipal ownership radicals fought it and stampeded the mayor against it. The third step was a straight plan for original municipal construction and operation of needed car lines in certain parts of the city, without duplicating existing lines except in a few streets. After a tremendous campaign, led by the *Detroit News*, this plan was adopted April 5 last, including a bond issue of $15,000,000 to pay for the new lines.

Since election day the mayor—who "fired" the old street-car commission and set up a new one to his liking—has begun operations on one street, while the D. U. R. has begun filing injunction suits. At the same time the mayor has used the police to prevent the D. U. R. from going on with needed extensions, already begun. One party insist on service at a fair price, even if the D. U. R. is utilized on the Cleveland-Tayler plan. The radicals would rather have no service than permit the D. U. R. to do anything which, even though providing service, might imperil the city's future claims to possession of its own streets. Meantime Detroit is bursting all bounds in its growth, yet transportation is not furnished for new sections of the city, and nobody knows when they shall get it. If the mayor can sell the city's bonds, and if he can get construction materials, he may go on the with municipal lines. He also hopes to use them as a club, to force the D. U. R. to sell out entirely to the city, "at a fair price."

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The East Cleveland Zone Case.—The city of East Cleveland is a suburb of Cleveland, having a population of about 30,000. It operates under the commission form of government, and Mr. C. M. Osborne is city manager. On July 15, 1919, the city commission passed an emergency ordinance adopting a building zone plan for the city. Under the ordinance, Zone "A" is the industrial zone and is left unrestricted. Zone "B" is the business zone and is restricted against manufacturing of all kinds. Zone "C" is the apartment zone and is restricted against manufacturing and business. Zone "D" is the private dwelling zone and is restricted against manufacturing, business and apartments.

The case arose on the refusal of the building inspector to issue a permit for the erection of eight apartments in a zone restricted to one or two family dwellings. It had come before Judge Foran who sustained the validity of the zoning ordinance in an opinion published in the Ohio law bulletin of March 15, 1920, at page 98. The case was not fully argued before Judge Foran and no evidence was submitted by either party. A rehearing was granted which came before Judge Kramer, and at this rehearing, evidence was submitted by the city to show the relation of the zoning ordinance and the restriction against apartment houses in particular to the purposes for which the police power may be exercised.

Mr. C. M. Osborne, city manager of East Cleveland, testified in relation to the preparation and adoption of the zone plan. Dr. Haven Emerson, former health commissioner of New York city, showed the relation between the apartment and the public health, and Dr. Robert H. Whitten, advisor, Cleveland city plan commission, testified in relation to the general advantages of a zone plan and the necessity of keeping apartments out of the one or two family house sections. Mr. Paul Feiss, chairman of the housing committee of the chamber of commerce, showed the relation of apartment house limitation to the general housing problem. The court accordingly had in the evidence before it a fairly complete statement of the meaning of zoning. Substantially no evidence was submitted by the relator in rebuttal.

The case will doubtless be appealed but with the record in the lower court and the well thought out opinion of Judge Kramer, the chances seem good for a favorable outcome.

In an able discussion of the nature and scope of the police power Judge Kramer emphasized the definite interest of the community in the use of private property. After a severe arraignment of the modern apartment house the court asserted "that it is within the police power of a city to preserve districts against the apartment, that the greater the proportion of private homes in a city, preferably occupied by the owners, the better the city in health, morals' peace and welfare."

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Cincinnati Citizens Raise Fund for City Planning.—By virtue of its charter, the city of Cincinnati has had since the 1st of January, 1918, an official city planning commission with full city planning powers. Practically speaking, however, no steps were being taken towards the making of a comprehensive plan for the city. This inaction was due mainly to the lack of funds, the city of Cincinnati not having sufficient current funds for regular operating expenses.

Before the war, there had been created a united city planning committee consisting of the city planning committees of the various civic organizations of the city. The function of this committee was to stir up an interest in city planning. During the war, as was natural, this activity lagged. Early in the fall of 1919 it was decided to re-galvanize this united city planning committee, and that the first undertaking of this committee should be the raising of a fund which, together with the amount available from the city treasury, would enable the city planning commission to proceed with the making of a city plan. It was determined that the total fund should be not less than $100,000, of which the city was to pay $30,000 and the citizens $70,000. The raising of this citizens' portion naturally involved a campaign of education and publicity, and this work was recognized as the permanent work of the united city planning committee, if such an interest in the subject is to be maintained that when the city plan is finally promulgated by the official city planning commission, it will have public backing to carry it out.

The work of raising the citizens' portion of the fund was in its early stages when the movement started for a 1920 community chest which would include practically all other philanthropic and social service fund raising activities, and the united city planning committee agreed to enter into the chest and, while the chest was being raised, to abstain from solicitation. Under the arrangement made, the city planning fund will receive only those sums specially designated to it.

The chest campaign is now over, but the amount which has been designated for the various purposes, including city planning, has not as yet been calculated. It is therefore at this moment impossible to say just how much of the $70,000 has been raised. As soon as the united city planning committee knows this amount, it will report to the official city planning commission, so that commission may know how much of the citizens' portion of the fund is available for starting the work. In the meantime, the committee is continuing the organization of its educational and publicity campaign. It now consists of the representatives of twenty-two civic and professional organizations, including all such organizations whose field of interest naturally includes city planning.

Alfred Bettman.

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The Legislature and the Boston City Council.—The Massachusetts legislature has passed a measure, which has been signed by the governor, increasing the members of the Boston city council from nine to fifteen; the fifteen to be elected from council districts, the present system of election at large being abandoned. The bill carries a referendum at the November election and present indications seem to point to acceptance by the voters at that time.

The measure is supported by both the Republican and Democratic organizations in Boston. Neither machine has been satisfied with the plan of electing nine members at large and both have turned hopefully to the district system. Under the new bill the entire council will be elected every two years. The mayor, whose term is four years, will thus be elected at the same time as the council. The political organizations obviously hope that this will make easier the development of a complete city machine. The candidate for mayor will be expected to carry a majority of the council districts. On the other hand, the essential harmony between the legislative body and the executive, and simplified party responsibility to the people, which constitute the theoretical merits of party government, should be expedited.

The Boston Charter Association, the Chamber of Commerce, and the Good Government Association urged the governor to veto the bill. The referendum provision, however, saved it from this fate.

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Sterling-Lehlbach Bill Becomes Law.—This measure, noted in our last issue, establishing old age and invalidity pensions for 300,000 federal employes in the classified civil service, has been passed and goes into effect in August. This act provides for the retirement of railway mail employes at the age of sixty-two, mechanics, letter carriers and post office clerks at sixty-five and all others at seventy. Employes able and willing to continue their duties after the prescribed age may do so for two periods of two years each, with the consent of the head of the department and the approval of the civil service commission.

The yearly pensions on retirement range from $180 to $720, depending on salary and length of service. The same benefits are provided for those who have been totally disabled by disease or injury, not due to bad habits or wilful misconduct, as for those retiring on account of age. Employes must have been in the service for at least fifteen years to receive the benefits of the law.

The employes' contribution to the pension fund is in the form of a compulsory deduction of 2½ per cent of their salaries, which will yield, it is estimated, about one-third of the expense of the law. Persons who leave the government's employ or die before attaining the prescribed age or length of service are protected by a provision which returns to them or their heirs all money paid in with 4 per cent compound interest.

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Resolution Authorizing Survey of Federal Administrative Services Passes Senate.—Reference was made in our last issue[1] to efforts being made at Washington towards reform in the administrative organization. A joint resolution, introduced by Mr. Smoot, has since passed the Senate proposing the creation of a joint committee on reorganization to consist of three members each from the house and senate with authority to make a survey of the administrative services of the government for the purpose of securing pertinent information concerning the various departments, their powers, duties, extent to which there is duplication or overlapping of authority, what redistribution of activities should be made in order to secure proper correlation of activities and the largest possible degree of efficiency and economy in operation. From time to time the committee is to report to both houses. It may make recommendations, prepare and submit bills, conduct investigations and examine records of any of the executive departments, employ necessary clerical assistance, etc. The committee is to report finally by December, 1922.

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[1] National Municipal Review, vol. ix p. 375.

An identical resolution was favorably reported by the house judiciary committee, but died on the calendar in the rush of the closing days of the session.

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The Illinois Constitutional Convention is proving a slow moving body. At this writing committees are just commencing to report. Down state members are making a struggle to limit Chicago's representation in the legislature and it seems probable that the effort will be successful with respect to the senate. The convention repudiated utterly the committee proposals which slightly reduced the county ballot. Indications are that a provision permitting optional laws affecting county government, uniform as to classes of counties, will be adopted.

Municipal home rule is meeting stiff opposition although present signs seem to indicate that it will be adopted in some measure. The committee on state executive will probably submit two plans, one embodying the executive organization at present, and an alternative proposal which will shorten the ballot by providing for the election of only the governor, lieutenant-governor and auditor.

⁂

Taxing Land Values in New South Wales.—The American consul at Sydney reports that in New South Wales the system of imposing a tax on the holder of unimproved land and exempting improvements, appears to be operating satisfactorily. There was no disturbance of business when the law went into effect; and there has been no agitation for a return to the former system of taxation. The general opinion there is that the present system is a permanent one, and that it has spread population and improved housing conditions by making profitable the creation of many thousands of homes suited to almost every domestic need. The tenement in Sydney has never become a standard type of dwelling as in most of the world's large cities.

Scarcity of houses remains, however, and there has been no reduction in rents. Building operations were largely suspended during the war, and since the armistice numerous strikes, agitation for shorter hours in the building trades and the increase in the cost of building materials have all operated to restrict and limit new construction work. The housing problem, however, is now being attacked by state and municipal officers working with local builders.

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Two Cities Take up Dramatics.—"Everybody's Playhouse" is the title of the new Municipal Community Theatre which Baltimore is to have on its municipal recreation pier. It is to be a theatre for the people, run at popular prices, and financed by the municipality. This is from all points of view an important experiment. The theatre is situated in the heart of a densely populated district where twenty-two different nationalities are gathered together. It will offer folk plays for adults and folk plays for children. There will also be plays that are soundly American, written by American authors. The theatre seats 500 people and is equipped with a portable stage. Its director is Mrs. Adele Nathan, well-known for her work in pageantry at the Vagabond Theatre in Baltimore.

Not to be outdone by Baltimore, St. Louis under Mayor Kiel is promoting municipal opera. Operas such as "The Mikado," "Robin Hood," "Babes in Toyland" and others will be presented in a natural amphitheatre already constructed in one of the city's parks. Co-operating with the mayor are numerous civic, commercial and social organizations. The cast will be composed of local talent with a large supporting chorus and a 50-piece orchestra.

⁂

New Orleans Looks Forward to a New Charter.—The Orleans Democratic Association, which did much to elect Governor John M. Parker, will move for a new charter for New Orleans as soon as the business of constitutional revision is out of the way. Governor Parker was elected on the platform pledged to an unrestricted constitutional convention, and since many important matters relating to New Orleans are embraced within the present constitution it was thought wise to wait until after 1921 when the convention will probably meet.

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Municipal Ownership Shows Profits.—All of the public utilities in Nottingham, England, such as tramways, electric lighting, gas and water works, are owned and operated by the municipality. During the past year all of them realized a profit for the city, with the exception of the water works, which showed a loss of about $85,000. The water works committee of the city council has therefore recommended an increase of 25 per cent in the charges for domestic purposes.

The profits from tramway operations during the year amounted to $519,000 as compared with $416,000 for the previous year. The average daily number of cars in service was 121, as against 119 for the preceding year.

The number of passengers carried was 46,415,421; being a decrease of 6,175,460 as compared with the year 1918. The decrease in the number of passengers carried was due to the suspension of Sunday trams for a period of six months on account of the coal shortage. The average fare paid per passenger was 3.14 cents.

The total income received from the gas plant amounted to $2,342,000, and the expenditures were $1,865,000, leaving a net profit of $477,000. The quantity of gas sold during the year was 2,059,370,900 cubic feet, against 2,244,670,300 for the previous year. The quantity of gas produced for each ton of coal consumed was 12,292 cubic feet.

The sewage disposal plant known as "Stoke Farm" which is also operated by the city, showed a net profit of $35,000, which added to the balance brought forward from the previous year of $16,000, made a total net balance of $51,000.

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Present Status of the National Budget Bill.—The Good budget bill passed the house on October 21, 1919 by an almost unanimous vote and went to the senate. There was already before the senate the McCormick budget bill. (For a discussion of the proposals of these two bills see National Municipal Review, April, 1920, p. 219 ff.) During December and January hearings on the subject of a national budget were conducted by a committee of which Senator McCormick was chairman. Later the McCormick bill in a somewhat revised form was substituted for the bill which passed the house. This substituted bill passed the senate on April 3. Then a conference committee was appointed which reported a bill based on the senate and house proposals, setting up a budget bureau in the Treasury Department and creating the independent office of comptroller general. This bill was passed by both houses and went to the President for his approval.

On June 4 President Wilson vetoed the bill and returned it to congress, which had already decided to adjourn *sine die* the following day. The President stated that he vetoed the bill because it gave to congress the authority to remove by concurrent resolution the comptroller general and the assistant comptroller general whose appointment by the President was provided for in the bill. This, he declared, was unconstitutional, since he regarded "the power of removal from office as an essential incident to the appointing power." However, he stated that he was in sympathy with the objects of the measure and expressed the hope that the defects might be remedied and the bill repassed before congress adjourned.

Immediately the house attempted to pass the measure over his veto, but failed by nine votes to secure the required two-thirds majority. The following day, June 5, the bill was reported in the house with an amendment giving the supreme court authority to appoint and remove the auditing officers. The Democratic side of the house protested and the Republican leaders agreed to place the two officers under the President, who would appoint them "with the advice and consent of the senate." The bill then passed and was sent to the senate. After it was reported by the senate budget committee the amended bill encountered on the senate floor a filibuster led by two Democratic senators, the result being that the hour for adjournment arrived before any action was taken on the bill. Thus the budget bill died in the senate.

Prior to the failure of the budget bill the house amended its rules increasing the membership of the committee on appropriations from twenty-one to thirty-five and vesting in this committee the authority to report all appropriations. This function is now performed by eight or nine separate House committees.

A. E. B.

II. JUDICIAL DECISIONS

Interpretation of Home Rule Charter.—Although article 9, section 16 of the Missouri constitution, allowing any city of over one hundred thousand people, to frame its own charter, provided that when the proposed charter shall be ratified by the voters it shall supersede the existing charter, a provision in the charter adopted under such authority that improvements already begun should be continued under the provisions of the old charter was held valid in *Parker-*

Washington Company v. *Field*[1] and the question whether the new charter saved such a proceeding is one of the construction of the charter, not of the constitution.

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Special Assessments.—Suit was brought in the district court enjoining the city and county of Denver from enforcing an assessment ordinance passed to raise the necessary means to pay for certain park improvements. In a former case the supreme court of the United States had accepted the construction of the charter of the Colorado supreme court, and upon that construction determined its constitutional validity. The plaintiffs in this case did not avail themselves of the privilege of a hearing as provided by the section complained of, but after the assessing ordinance was passed began this proceeding in the district court to test the constitutionality of the law. The United States supreme court in the case of *Farncomb* v. *city and county of Denver*[2] affirmed the decision of the state supreme court in favor of the city and county of Denver.

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Garbage.—The validity of an ordinance, giving the city complete power over the collection of garbage, was before the court in this case. The plaintiff was the owner of a hotel who insisted on his right to dispose of the garbage from his hotel as he saw fit. The supreme court of Michigan in the case of *Pantlind* v. *Grand Rapids*[3] sustained the ordinance as within the police power, saying "The rights of the plaintiff in this garbage must be subordinated to the general good. He is compensated in the common benefits secured by the ordinance."

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Regulation of Municipal Utilities.—The city of Springfield, Illinois, owns and operates an electric light plant producing electricity for its own use and sells the surplus to consumers for about one-half what they can buy it from other producers. The privately owned company in this case tried to enjoin the city from continuing the sale of current. The question in the case was whether the city was subject to the provisions of the public utilities act and to the supervision of the public utility commission. There was a decree for the defendant in the original hearing and the plaintiff appealed. The court held in *Springfield Gas and Electric Co.* v. *Springfield*[4] that the public utilities act does not apply to city owned utilities, they being expressly excepted therefrom by section 10. There was a strong dissenting opinion in this case, holding that section 10 was unconstitutional.

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Billiard Halls and Poolrooms.—An Arkansas statute, making it unlawful to operate a billiard hall or poolroom for hire within three miles of any school or church in certain counties, was held not violative of the constitution, denying the general assembly the right to grant any citizen, or class of citizens, privileges or immunities not applying to all on the same terms in the case of *Caraway* v. *State.*[5] The court held also that it was not arbitrary or unreasonable in its confiscation of property used in a business on which a city license tax had been paid pursuant to an ordinance valid when passed.

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City-Manager Plan Election.—The judge of the circuit court had issued an order following a special election on the question of the adoption of the city manager plan in Lynchburg, Virginia. The plaintiff, Harrison, was asking for a mandamus to compel the judge to issue a contrary order on the ground that the election was not carried by a majority of the qualified voters, but only by a majority of the votes cast. In the case of *Harrison* v. *Barksdale*[6] the supreme court of appeals held that under the constitution of Virginia such a majority was adequate and denied the mandamus on the theory that there was no specific language in the constitution calling for a different construction.

Robert E. Tracy.

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Massachusetts Judges Uphold Zoning Regulations Excluding Business and Tenements from Residential Districts.—The justices of the supreme court of Massachusetts have just rendered an opinion[7] affirming in the broadest terms the validity of zone building regulations. Important as this is to the cause of zoning, its special significance is due to the fact that among the powers recognized as valid is that of excluding business, or business and tenements, from residential districts. Other phases of zoning are already supported by the weight of judicial opinion; on this phase the courts were divided, the judicial authorities being for the most part against its legality. The advocates of zoning believe that the power of excluding business from residential districts is essential and that of barring tenements in certain cases, most desirable. They have always maintained that the adverse cases were not well considered and would ultimately be reversed. The opinion of the Massachusetts judges is strong proof that they were right.

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[1] 219 S. W. 598.

[2] 40 Sup. Ct. Rep. 271.

[3] 177 N. W. 302.

[4] 126 N. E. 739.

[5] 219 S. W. 736.

[6] 102 S. E. 789.

[7] Massachusetts, House Document No. 1774, May, 1920.

To the layman in his study of this opinion, a word of explanation with regard to the form in which the question came before the judges may be helpful. Under the Massachusetts constitution the legislature is authorized to ask the opinion of the judges of the court of last resort of the state on the constitutionality of proposed legislation. Article lx of the amendments to the constitution of the state, recently passed, provides that:

> "The general court (*i.e.*, the legislature) shall have power to limit buildings according to their use or construction to specified districts of cities and towns."

A bill had been introduced into the legislature for this purpose, which included provisions for the establishment of districts from which business, or business and tenements, were to be excluded. It was the validity of this bill, if the legislature saw fit to pass it, which the justices affirmed. In so doing they say:

> "The segregation of manufacturing, commercial and mercantile business of various kinds to particular localities, when exercised with reason, may be thought to bear a rational relation to the health and safety of the community. We do not think it can be said that circumstances do not exist in connection with the ordinary operation of such kinds of business which increase the risk of fire, and which render life less secure to those living in homes in close proximity. Health and security from injury of children and the old and feeble and otherwise less robust portion of the public well may be thought to be promoted by requiring that dwelling houses be separated from the territory devoted to trade and industry. The suppression and prevention of disorder, the extinguishment of fires and the enforcement of regulations for street traffic, and other ordinances designed rightly to promote the general welfare, may be facilitated by the establishment of zones or districts for business as distinguished from residence. Conversely the actual health and safety of the community may be aided by excluding from areas devoted to residence the confusion and danger of fire, contagion and disorder which in greater or less degree attach to the location of stores, shops and factories. Regular and efficient transportation of the bread winners to and from places of labor may be expedited. Construction and repair of streets may be rendered easier and less expensive if heavy traffic is confined to specified streets by the business there carried on."

Nothing is said in the opinion with regard to the legality of the exclusion of tenements from certain districts, which the bill authorizes; but the fact that the court upholds the bill, which contains such a provision sufficiently affirms it. The constitutionality of the measure in Massachusetts, in view of the recent amendment, was not open to serious doubt. There remained, however, the question of its validity under the constitution of the United States, in which the clauses with regard to property rights usually contained in state constitutions throughout the United States, are to be found. The Massachusetts judges declare it as their opinion that such a measure would not violate these clauses. The opinion is therefore an authority to be cited in zoning cases throughout the United States and will without doubt greatly influence the courts in other states in their decisions on the validity of zoning laws and ordinances.

FRANK BACKUS WILLIAMS.

III. MISCELLANEOUS

Baldwin Prize for 1920 Awarded.—The William H. Baldwin Prize of $100, offered by Mrs. George Burnham, Jr., through the National Municipal League, to the author of the best essay on a subject connected with municipal government, has been awarded to Humbert Francis Cofrancesco, of New Haven, Connecticut, for his essay on "The Influence of Foreign-Born Leaders in Municipal Politics." Mr. Cofrancesco is a member of the class of 1922 of Yale University. He was born in America of Italian parents. His interest in his subject was therefore deep. The judges selected by our executive committee to consider the essays offered in competition and to award the prize were Colonel Henry M. Waite, formerly city manager of Dayton, Ohio, and John Foster Carr, of the immigrant publication society, New York.

The competition was open to undergraduate students registered in a regular course in any college or university in the United States offering direct instruction in municipal government. Among those submitted were essays by students of Yale, Harvard, the University of California, and Radcliffe College.

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New York Governor Vetoes Fanatical Bills.—Reference has already been made in the REVIEW to some of the remarkable pieces of legislation attempted by the New York state legislature, as a result of the expulsion of certain Socialist members, and of the investigation into seditious activities conducted by the Lusk committee. The more notable of these measures were as follows:

1. Bills to give jurisdiction to the appellate division of the supreme court, third department to pass upon the aims and purposes of political parties, determine whether any party holds doctrines which tend to be dangerous to the government and institutions of the state or nation, and if it finds such dangerous tendencies, to absolutely bar such party from a place on the ballot and exclude its members from the holding of public office.

2. A bill to provide for the licensing of all private schools and private classes of whatever description and to give to the department of education power to revoke such licenses whereever such schools or classes are being conducted in a manner detrimental to the public interests.

3. A measure prescribing that every teacher in the public schools must secure a loyalty certificate in order to teach and providing that such certificate may be arbitrarily revoked by the commissioner of education for any act or utterance showing to the satisfaction of the commissioner that the teacher is not loyal to the constitution, laws and institutions of the United States and of the state of New York. No provision was made for a hearing.

4. A bill to set up in the office of the attorney general what would be in essence a secret police, its personnel to be exempt from civil service examinations and its specialized function to be the hunting out and prosecution of criminal anarchy.

All these bills passed both houses of the legislature by large majorities. They were to a considerable extent supported by members of the minority party and by representatives coming from New York city as well as from other parts of the state. It would seem, however, that upon the question of repressive legislation the great New York newspapers were much more liberal than the members of the legislature. In the last analysis only one important daily in New York city supported the bills. One evening paper made the witty suggestion that the attempt to control thought should have been made by an amendment to the Sullivan law. This is the New York statute prohibiting the carrying of concealed weapons.

The hearing held before the governor was most impressive. Opposition had been led by the Bar Association, the City club and other associations. About forty organizations of all sorts were represented at the hearing against the bill, whereas the support came almost entirely from counsel for the Lusk committee. Governor Smith has vetoed all these bills. The veto messages are classics of crispness and clear reasoning. If space allowed, the editors of the REVIEW would be glad to print them in full. They will, perhaps, mark an important turning point in American public opinion.

RAYMOND V. INGERSOLL.

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First Meeting of the Southwestern Political Science Association.—On April 16 and 17, 1920, at the University of Texas, Austin, Texas, there was held the first annual meeting of the southwestern political science association. This new association was organized in the winter of 1919 by the faculty of the school of government of the University of Texas for the purpose of stimulating and promoting the study of political science, with particular reference to the southwestern states. The movement for the launching of this organization grew out of the conviction that persons interested in the study of governmental problems in this section of the country needed the stimulus to be derived from meetings and from the possibility of the publication of a political science journal, which is not sufficiently supplied by the national organizations operating in this field of knowledge. The national association meetings rarely come within a thousand miles of the geographical center of the southwest and the time and expense involved in attending them make it impossible for any but a very few persons ever to benefit in that way. Furthermore, the space for publication in the national journals is so limited that discussions of matters of local or sectional interest cannot find a place therein. Yet some of these local and sectional questions are of more immediate interest to persons interested in political science than are the more general topics discussed in the national journals. Added to these considerations is the fact that the southwest has a certain community of historical, economic, social, and political considerations which make it a somewhat homogeneous section, as well as an area sufficiently restricted, in spite of its enormous extent, to make it possible for many persons to attend meetings held within its confines who could rarely, if ever, make the trip to the northeastern portion of the United States in which the national meetings are usually held. Accordingly, Arizona, New Mexico, Texas, Oklahoma, Arkansas, and Louisana were combined in the territory for which this association is to function with headquarters at the University of Texas. This University not only by reason of its having developed political science much more extensively than has any other institution in the southwest, but also because of its central location seemed to be the logical center from which such a movement should emanate and at which it should head up.

The first annual meeting comprised a two-day program with four sessions. The first session, presided over by Professor E. R. Cockrell of Texas Christian University, consisted of addresses of welcome to the association on behalf of the state of Texas by Colonel Alvin W. Ousley, assistant attorney general of Texas; on behalf of the city of Austin by the Hon. W. D. Yett, mayor of Austin; and on behalf of the University of Texas by Dr. H. Y. Benedict, dean of the college of liberal arts, University of Texas. These were followed by the presidential address of Dr. Herman G. James of the University of Texas, first president of the association, on "The Meaning and Scope of Political Science."

The second session of the meeting, presided over by Mr. C. P. Patterson of the University of Texas, first secretary-treasurer of the association, was devoted to the principal address of the meeting by Professor Albert Bushnell Hart of Harvard University who spoke on "Uncle Sam's Job."

The third session, presided over by the Hon. A. P. Wooldridge, for ten years mayor of Austin, consisted of four addresses. Professor E. R. Cockrell of Texas Christian University read a paper on "Municipal Home Rule in Texas." Professor F. F. Blachly of the University of Oklahoma read a paper on "Municipal Home Rule in Oklahoma." Professor C. G. Haines of the University of Texas presented a paper on "The Reorganization of State Administration." Professor C. S. Potts of the University of Texas addressed the meeting on "Judicial Reform in Texas."

The fourth session, presided over by Professor C. S. Potts of the University of Texas, was devoted to the general topic of "Women and Government." Professor Mary E. Gearing of the University of Texas spoke on "The Part Played by Women in Government Without the Ballot," and Mrs. A. C. Ellis, secretary of the Texas women's voters' league, spoke on "The History and Purposes of the Women's Voters' League." The addresses were followed by a round table discussion of the general topic.

The meeting closed with a dinner in honor of Professor and Mrs. Albert Bushnell Hart, tendered them by the association.

At the business meeting of the association the following officers were elected for the year 1920–1921: President, Hon. A. P. Wooldridge of Austin; First Vice-President, Mr. George B. Dealey, president and general manager of the *Dallas News*, Dallas, Texas; Second Vice-President, Professor F. F. Blachly of the University of Oklahoma; Third Vice-President, Professor D. Y. Thomas of the University of Arkansas; additional members of the executive committee of the association, Professors E. R. Cockrell of Texas Christian University, and E. T. Miller of the University of Texas.

At the meeting of the executive committee, Mr. C. P. Patterson of the University of Texas was re-elected secretary-treasurer for the ensuing year, and Professor C. G. Haines was chosen as editor of the Southwestern Political Science Quarterly. These officers, together with those elected by the Association, and Professor H. G. James as past president constitute the executive committee of the association.

◆

New Constitution Association of Missouri.—The present constitution was adopted in 1875, and has been outgrown. It not only contains many provisions that are out of date but seriously hampers the growth and development of the state by its restrictions.

The new constitution association of Missouri was organized in December, 1919, for the purpose of bringing together and making effective the efforts of those who believe a new constitution is necessary. It opened headquarters at 1220 Federal Reserve Bank Bldg., St. Louis, Mo., and employed William M. Ledbetter, a former newspaper man with a wide acquaintance throughout the state, as executive secretary. Dr. W. H. Black, of Marshall, is president of the association; J. Lionberger Davis, chairman of the executive committee, and R. F. McNally, treasurer. A strong and representative personnel completes the organization.

Before adopting a plan of action the association sent out letters to about 2,000 representative people in all parts of the state, asking whether in their opinion a new state constitution is needed, and what steps should be taken to bring it about. As a result of this survey, and of many conferences held by members of the organization, the following program has been mapped out:

1—The submission, by means of initiative petitions, of an amendment to the present constitution changing the method of electing district delegates to the constitutional convention, so that such delegates shall be chosen on the bipartisan plan. There will also be fifteen delegates-at-large.

2—The submission, by means of the initiative, of a proposition calling for a special election in August, 1921, to vote upon the question, "Shall a convention be held to revise and amend the constitution?" Both of the above propositions will be voted upon, if the required number of voters sign the petitions now being circulated, at the election in November, 1920.

3—The close scrutiny, by members of the association of all candidates for the state senate, or house of representatives, and obtaining pledges from candidates for these offices, from all political parties, that they will, if elected, vote and work for a new constitution.

4—To agitate and keep before the people of the state the question of a new constitution until it is assured.

The proposal for bipartisan election of delegates to the constitutional convention was found to be the only solution of the difficulty encountered at the last session of the legislature, when a partisan squabble prevented the submission of the question to the voters. The advice of such well-known lawyers as Judge Henry Lamm, Speaker Samuel F. O'Fallon of the Missouri house of representatives, John M. Atkinson, Ben A. Wood, Judge Geo. C. Hitchcock, J. Lionberger Davis, Roy D. Williams, Judge Hugo Muench, Prof. Isidor Loeb of the State University, and Robert Lamar, president of the state bar association, was sought, and the proposed constitutional amendment as finally agreed upon, was drafted by a sub-committee composed of Messrs. Atkinson, Hitchcock and Muench.

The association is now engaged in circulating the petition containing propositions 1 and 2 and in educational work among the voters. More than fifty organizations have formally endorsed the movement and the two leading political parties have declared for it in their platforms. There is no organized opposition to it, and no serious objection except on the part of those who always oppose change and object to progress.

The association seeks to make clear the fact that it is not trying to write the new constitution at this time, but merely to have submitted to the voters of the state the question whether there shall be one, and to insure the election of delegates to such a convention on a fair and representative basis, so the body will be free from partisan bias. The biggest, most broadminded men and women of the state should be elected as delegates, regardless of politics.

A necessary part of the work of the association has been the raising of funds with which to defray its expenses. It was estimated at the start that $15,000 would be required to carry on the campaign until after the November election. Of this $5,000 was apportioned to St. Louis, $3,000 to Kansas City, $1,000 to St. Joseph and smaller sums elsewhere. St. Louis has raised her quota and Kansas City is raising hers. The teachers of the state have a fund of $2,500, which will be turned over as soon as $12,500 is raised from other sources.

On the basis of the work already accomplished and mapped out, the new constitution association of Missouri desires, and believes it deserves, the moral and financial support of all progressive Missourians.

⁂

Cleveland Establishes Municipal Research Bureau.—Cleveland is the latest city of importance to join the ranks of those to support and foster research in government. February 1, there was established a bureau of municipal research under the welfare federation of Cleveland. The bureau is controlled by a committee of five prominent citizens, chosen by the board of trustees of the welfare federation. This committee is made up of D. E. Morgan and A. E. Benesch, attorneys, both formerly public officials; E. B. Thomas, engineer, formerly president of the Cleveland engineering society; P. W. Harvey, capitalist and philanthropist; W. G. Lee, president of one of the railroad brotherhoods and C. W. Brand, a prominent buissnes man. The director in charge is L. E. Carter, formerly with the Civic League of Cleveland.

⁂

Death of Captain Walton.—Captain John M. Walton, controller of the city and county of Philadelphia for over a quarter of a century, and widely known throughout the United States and many foreign countries by reason of his model accounting system as well as his knowledge of municipal requirements and acquaintance with modern finance, died very suddenly on March 21, 1920. After several terms in the common council, he was in 1895 appointed to fill the unexpired term of the resigning controller. He was reelected at each subsequent election, including the election of 1919. As controller he installed in 1910 a modern system of accounting, reporting, business procedure and budget making, which has been followed by many large and small American cities. In 1913 Controller Walton published the first edition of "Manual of Accounting, Reporting and Business Procedure of the City and County of Philadelphia," the second edition of which appeared in 1917.

⁂

Milwaukee City Club Abandons P. R.—The City club of Milwaukee by a recent amendment to its by-laws has returned to the old plurality system of electing its board of governors. The statement against the continuance of the Hare system circulated with the referendum ballot declared that it was not understood by the members with the result that too many were disfranchised because of defective ballots; and that it made it possible for a small group to elect a governor who might be objectionable to the majority. Evidently the majority do not agree with the essential principle of proportional representation. The statement circulated in favor of proportional representation called attention to the advantages in favor of club unity in a system which permitted minority views full opportunity to be heard.

⁂

Enter "Visual Education."—This is the title of the attractive little magazine published by the recently organized visual education society, of which our treasurer, Mr. Frank A. Vanderlip, is the chairman of the board of directors. The purpose of the society is to develop the appeal to the eye in educational matters. Among the important committees are those on civics, Americanization and health and sanitation. All means from blackboards to movies are to be utilized.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

This is the third installment of short stories compiled by the City Managers' Association, showing how the various towns and cities are progressing under the new form of government. :: :: :: ::

II. CITY MANAGERS IN AND AROUND OHIO

OHIO is the center of the section second in importance to the progress of the city-manager movement, as it was largely due to Dayton and Springfield, Ohio, that the commission-manager plan of government has been generally popularized. Akron, Ohio, is the largest city under the new plan, according to the verdict of the census man. West Virginia and Kentucky, with their three manager cities, are grouped with Ohio for convenience.

OHIO

Whenever the term "city manager" is mentioned, the average person thinks at once of Dayton, which was the first large city to adopt the new idea. The development and success of the manager plan in Dayton have recently been chronicled by C. E. Rightor in a most readable book: "City Manager in Dayton." Corresponding achievements attributable to city manager government have been brought about in several other Ohio cities.

Akron Starts with Building Code and Zoning

AKRON. Population, 208,000. Commission-manager charter effective January 1, 1920. W. J. Laub, city administrator; salary $10,000.

Akron's population has increased approximately 200 per cent in the last few years which means that her municipal problems have increased in almost the same ratio. Much additional territory has recently been annexed to the city and must be provided with adequate service including an extension of the street car system. A new building code, to meet and regulate present day conditions, has been drafted, and a complete zoning system which will define residential and industrial districts is being worked out. Plans for the material extension of sewer and water systems have been perfected and construction will begin shortly.

Mr. Laub is forty-one years old, an attorney by profession, and served two years as mayor of Akron, being again elected mayor in November, 1919, to take office January 1, 1920. Instead of so doing, he accepted the position of "chief administrator" to which he was elected by his colleagues on the council.

Welfare Work in Dayton

DAYTON. Population, 153,830. Commission-manager charter effective January, 1914. James E. Barlow, the second manager, succeeded Henry M. Waite, March, 1918; salary $7,500.

Perhaps the most noticeable gains made in Dayton this past year are those in the field of public welfare. The welfare department publishes its own annual report which is attractively illustrated and constitutes a definite contribution to municipal literature. The monthly reports are also very complete and evidence a genuine and constructive interest in the welfare of the citizens. Most cities would be content to rest upon their laurels if they could match Dayton's record of having the lowest death rate of infants under one year of age of any city in the state, yet a recent report calls attention to the high rate of mortality of infants under thirty days of age and outlines a campaign to solve the problem.

The free employment bureau during a single month received 1,270 applications for work, 1,019 requests for men and placed 830 applicants.

The city plowed 1,727 lots for gardens.

A social investigator has been employed and checks up applications for free hospital treatment with a noticeable falling off in the number. In one case it developed that the request for such assistance was made because of the money required to repair the applicant's automobile injured in the accident.

The story of Dayton has been so fully and so frequently told that no attempt is here made to comment upon the constructive record of Colonel Waite who was the country's first "big city" manager.

Mr. Barlow is thirty-nine years old, a civil engineer with considerable municipal experience. He was director of public service in Dayton prior to his promotion to the managership.

Progress under Financial Handicap

SPRINGFIELD. Population, 65,000. Commission-manager charter effective January, 1914. Ossian E. Carr succeeded Charles E. Ashburner as manager September, 1918; salary $6,000. He has just accepted the position of manager at Dubuque, Iowa, at $8,400.

Springfield, in common with other Ohio cities, has been compelled to reduce expenditures to keep within the very limited income permitted by the state law. The rate for municipal operating expenses is kept down to between $3.50 to $4.00 per thousand. The city has no choice in the matter of valuation which is left in the hands of county officers.

During the first two years under the plan, Springfield wiped out all her old floating debt handed down from the previous administration. The first year of the war caused an operating deficit of $31,000, which 1918 increased to about $89,000. Last year this was kept down to $31,000, which is considered a real achievement, since the receipts from liquor tax were reduced three fifths and salaries and wages materially increased.

Considerable paving was done during 1919 and a saving of some two dollars per square yard made by using redressed Medina blocks instead of purchasing new granite blocks. Some five miles of sewer and three miles of sidewalk were constructed. Three thousand feet of thirty inch sewer, on which no bids could be secured, is being completed by force account.

A $70,000 extension to Springfield's water supply system was begun in September and when completed will furnish an adequate supply for many years. In the past the water system has received about 60 per cent of its income from metered services, which accounted for but about 40 per cent of the water pumped, indicating too large a consumption by the unmetered customers. Consequently, in 1919, the flat rates were increased about 30 per cent with the result that some 2,000 new meters were immediately purchased to the city's advantage.

A free venereal clinic has been established by the health department and through co-operation with local organizations three additional welfare nurses employed.

Mr. Carr is forty-three years old, a civil engineer by training, and has served as city manager at Cadillac, Michigan, 1914 and 1915, and at Niagara Falls, New York, from January 1, 1916 to September, 1918.

Economy and Efficiency at Sandusky

SANDUSKY. Population, 25,000. Commission-manager charter effective January, 1916. George M. Zimmerman, the third manager, was appointed April, 1918; salary $5,000.

Since the introduction of the manager plan, the city has reduced its bonded debt $230,000 besides paying off some $25,000 inherited floating debt. On January 1, 1919, there was a deficit of $26,565, which during the year was reduced by $17,395, and for the first time in many years the sinking fund has investments to its credit. In spite of the high cost of labor and materials the operating expenses for 1919 were some $3,000 less than in 1914 or 1915, the two years preceding the adoption of the new plan, and the city has a credit balance of more than $4,000 in its operating fund.

During the past year the water works system has been improved to the extent of $46,640, including the installation of new boilers and laying of added mains. Of this amount $23,000 was provided from surplus on hand, the remaining $23,640, in addition to $31,608, which was transferred to the sinking fund, was paid from the earnings of the department, and there is still a credit balance.

By proper attention to leaks and repair service, the amount of water pumped was reduced more than 180,000,000 gallons with a corresponding reduction of some 300 tons of coal. The operating expenses for the water department were $7,500 less than in 1915.

Other departments show corresponding improvements. A motor police patrol has been purchased and put in commission, street signs have been renewed and extended and new heating plants installed in city buildings. A bond issue of $15,000 has been voted for the construction of a public comfort station, which will be erected soon. An editorial comment in a Sandusky paper concludes: "We have been fortunate. We have been able to live within our limited means, thanks to efficient and farseeing management that made every dollar count. For this credit is due not only to the commission, the manager and other officials, but to the system, with its elimination of politics and co-ordination of departments."

Mr. Zimmerman is forty-eight years old and his training has been primarily that of a business executive. He served as city treasurer for a short time prior to his appointment as manager.

Service Creates a Satisfied Citizenship

EAST CLEVELAND. Population, 25,000. Commission-manager charter effective January 1, 1918, with C. M. Osborn as manager; salary $6,000.

A recent report from Mr. Osborn sums up the achievements of the past year as follows:

> We have purchased a permanent home for our street department, giving us ample barn room for our city teams, tools and equipment.
>
> We have established an electrical department, placing in charge a competent electrician on full-time basis, thus assuring us of better inspection on new construction and repair work; also assuring us of the proper maintenance of our police and fire alarm system.
>
> We have placed our fire department on the two-platoon system, requiring each platoon to be on duty twenty-four hours and off duty

twenty-four hours. This change has increased the efficiency of the department by giving us a more active group of men on duty, and has also increased the efficiency of the department by increasing the available man power of the department above 9 per cent.

We have established a policy to "pay as we go," and to borrow money for operating expenses only as a last resort. The city commission believes it poor business to go into debt to take care of operating expenses, and thus require our children or our children's children to pay our operating expenses of today. Following out this policy, the commission authorized a special tax or assessment to pay for the street lighting, street repair and street cleaning for 1920, thus making it unnecessary to borrow money for these activities.

We have been able to operate our city during 1919 on the amounts appropriated for this purpose, and have a substantial balance in our operating fund at the end of the year.

We have given the class of service that our citizens require and demand, and in this way have been able to create a satisfied people.

Mr. Osborn, the manager, is forty-six years old, a civil engineer, and experienced in municipal engineering prior to his appointment. His salary has been increased twice within two years.

Live Within Income

ASHTABULA. Population 23,000. Commission-manager charter with proportional representation effective January, 1916. W. H. Turner, the second manager, was appointed January, 1918; salary $3,000.

The tax rate has not been raised while the cost of labor and materials increased 50 per cent or more, yet Ashtabula finished the year 1919 without borrowing money for current expenses and without a deficit. The city ordinances have been revised, codified, and published. Legislation has been passed authorizing the purchase of the street car line and its operation as a municipal enterprise. A police pension fund has been established, fire department reorganized on the two-platoon system, twenty-four hours on duty, twenty-four hours off duty, and four men added to the force.

The plan of cindering unpaved streets had proved successful and popular. Two hundred and fifty carloads of cinders were used in those heretofore cindered and forty-six additional streets have been taken care of in the same manner.

The electric light plant has been enlarged and the service considerably extended during the year. The output of the plant will be doubled, according to plans now being carried out.

Mr. Turner is fifty-three years old and a business man. He served as director of public service as Ashtabula for four years, 1912–16.

Less Expense, More Results

XENIA. Population, 10,000. Commission-manager charter effective January, 1918, with Kenyon Riddle as manager; salary $3,600.

The first two years under the new plan have changed the inherited deficit of $350 to a credit balance of $2,316. This is a real showing considering the limitations of the Ohio "Smith one per cent law." The fire equipment has been motorized and it is estimated the cost will be more than met by the saving in horse feed. The alarm system has been changed, the personnel of the department reduced and salaries increased 50 per cent. It is estimated that the total cost of the present department is $700 per year less than its inefficient predecessor.

In 1917, the health department cost $3,866 while it now costs about $1,700, the saving being due to strict inspection and preventive work.

Mr. Riddle stresses the value of citizen co-operation as follows:

"Public welfare work has been greatly extended under the new plan and upon the manager's recommendation the

American City Bureau was invited to reorganize the chamber of commerce, with the result that this body now has a membership of 425 members at $25 per year dues."

"Such an organization," in the words of the manager, "is the best medium through which the city administration can deal with the people."

Mr. Riddle is thirty-one years old, a civil engineer, and served as city manager at Abilene, Kansas, from 1913 to 1917 before being appointed to his present position at Xenia.

Business Methods Mean Money in Bank

Westerville. Population, 3,100. Commission-manager charter effective January 1, 1916. R. W. Orebaugh, the second manager, was appointed September, 1917; salary $2,100.

Under the new plan the entire finances of the village have been reduced to modern budget procedure and a new accounting system has been installed. Public health, welfare and service have been improved. There has been no increase in taxes, yet the city lives within its income and has money in the bank.

The program of improvements including extension of water and light system, sewer mains, and streets, has been carried on from current funds in spite of the fact that labor and material have increased from 50 to 100 per cent in cost.

In calling attention to the village finances, the manager frankly gives credit to the form of government which he advises is proving very popular in Westerville.

Mr. Orebaugh is a civil engineer, thirty-eight years old.

Plan Works in Small Village

South Charleston. Population, 1,400. Commission-manager charter effective January, 1918. P. H. Cheney, manager; salary $1,600.

A local paper in commenting upon the first annual report says: "This form of government has proven a wonderful success in South Charleston. Streets have been improved, water works pays its own way and has a balance."

The first year ended with all work complete and money in the treasury. Motor equipment has reduced expenses, and increased efficiency. Traffic signs have been placed on the main street and all hitching racks removed to side streets. The village purchased a tapping machine, and the saving in operation cost has nearly paid for the machine.

The health officer has been particularly active, and sanitation has been increased. The fire department has been improved by remodeling the engine house, motorizing the equipment and unused chemical engines were disposed of to advantage. The salaries of the night patrol men have been increased, but added duties have resulted in a net saving to the city. The balance in the water works account was increased during the year from $41 to $1,717.

A citizen writes: "We thoroughly believe in the commission-manager form of government."

Mr. Cheney is forty years old and held various township offices before being appointed manager.

Painesville. Population, 6,750. Commission-manager charter effective January 1, 1920. Thomas B. Wyman, manager; salary $4,000.

Mr. Wyman is a forester by profession and has had public service experience as chamber of commerce secretary and president of the school board and city council of Munising, Michigan. He is thirty-nine years old.

GALLIPOLIS. Population, 6,070. Commission-manager charter effective January, 1918. Edward E. Myers, manager; salary $1,500.

WEST VIRGINIA

But two West Virginia cities have adopted the manager plan—Wheeling and Charleston.

Confidence of Voters Shown by Bond Vote

WHEELING. Population, 80,000. Commission-manager charter effective July, 1917. Charles O. Ephlin, the second manager, was appointed June, 1919; salary $8,000.

A unique feature of the Wheeling charter is that it requires the manager to be a local man prior to his appointment. In spite of this handicap, the city has been fortunate in the selection of two able managers. It is reported that the plan is giving very general satisfaction. There is no stronger evidence of this than the fact that heretofore it has been most difficult to secure the passage of bond issues for much needed improvements whereas recently the voters authorized $1,000,000 for street paving and will doubtless vote an additional $2,000,000 soon for improvement and extension of the water plant.

Another evidence of the confidence the people have in the new plan is the fact that a large suburban section has been added to the city increasing the population to some 80,000.

Manager Ephlin writes: "I doubt if there is a single tax payer in our community who would favor a return to the cumbersome, inefficient and inadequate plan of the past."

Mr. Ephlin is forty-six years old, has had a successful business career, and has served as president of the county board of commissioners in which position he gained a valuable knowledge of road building and general public work.

Freak Charter at Charleston

CHARLESTON. Population, 43,000. Created the position entitled manager by charter effective May, 1915. Bonner H. Hill, the fourth appointee, took office May, 1919; salary $4,500.

Charleston's charter is perhaps the most unusual, unwieldy, and unfortunate of any in the country which bears a semblance to the city-manager type. The charter provides for a board of twenty members and a mayor, whose salary shall be not less than $3,000. It stipulates that the mayor shall appoint the city solicitor, chief of police and all policemen, humane officer, building inspector, collector, city auditor, engineer, health commissioner, lockup keeper, and the chief of the fire department. None of these appointments require the confirmation of the council or the manager, and the mayor is given full and complete power of removal. The mayor also appoints the manager, with the consent of the council. The manager may "employ one clerk at such salary as the council may fix and such other help as he may require and the council may from time to time allow." On the other hand, the manager is given "supervision and control of the executive work and management of the heads of all departments under his control as directed by the mayor." Thus the charter places a heavy responsibility upon the manager without giving him adequate power to produce results.

One who is most familiar with the local situation writes: "I do not think our city government is a good one, and I am sure that you would not care to publish my personal opinion of the city-manager form of government as operated in this city."

Mr. Hill is forty-six years old,

trained in general business and mine management.

KENTUCKY

Prompt Attention to Complaints

Cynthiana. Population, 5,000. A modified manager plan became effective, December, 1915. J. J. Curle, the second appointee, succeeded Daniel Durbin in December, 1918.

After three years' experience Mr. Durbin wrote:

"Under the old aldermanic form of government 'everybody's business was nobody's business'; hence things were neglected or left undone. Under the commission-manager form difficulties and troubles are taken up and disposed of promptly, and at much less cost."

Double-entry bookkeeping has been installed; arrearages in taxes, licenses and water rents have been computed and collected. City funds placed at 4 and 5 per cent interest. Interest-bearing city warrants issued in lieu of borrowing at the banks. The tax rate has been reduced from $1.45 to $1.30 and then to $1.25 on $100 valuation. The annual cost of street lighting has been reduced from $6,000 to $3,750 without decreased service. Streets are in better condition than for years. There was less than $200 in the treasury January 1, 1916,—there was a balance of $8,658 January 1, 1918.

ADDITION TO "DIXIE" REPORTS[1]

Eighth Year Best Yet

Fredericksburg, Virginia. Population, 5,882. Manager plan provided by ordinance September, 1912. R. Stuart Royer, the first manager, was succeeded by L. J. Houston, Jr., October, 1918; salary $3,600.

The eighth annual report of Fredericksburg under the city-manager plan, published January, 1920, gives evidence that the previous record of achievements, which has received favorable comment throughout the country, is still being improved upon. During the year 1919, the available current revenue was over $2,000 less than the preceding year, yet the amount appropriated for schools was more than $4,000 greater, and permanent improvements to the extent of $33,200 were constructed from current funds, some $20,000 over the record of the preceding year. The general operating expenses of the city were decreased $23,700 and yet all departments have been maintained in good condition and extensive repairs made to city property.

The municipal gas plant has been materially improved and is now a revenue producing asset. A mile of new gas mains has been laid and the service correspondingly increased. The gas output for 1919 was 10 per cent greater than that of 1918 but by efficient management the consumption of coal was reduced 400 tons.

Sewer system, water system, and streets were extended and improved and a comprehensive water survey of the entire city made. The profits of the water works plant amounted to nearly $10,000.

A general stores and shop system established last year is proving its value in many ways.

The manager's report concludes with a comprehensive summary of plans for 1920. In commenting upon this report, Mayor J. P. Rowe states: "It is continued evidence of the wisdom of the city manager plan of municipal government."

Mr. Houston is thirty-nine years old, a civil engineer by training, and experienced in railroad construction prior to his appointment as city manager.

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[1] This report from Fredericksburg was omitted by oversight from the Virginia symposium appearing in our May issue.

NATIONAL MUNICIPAL LEAGUE COMMITTEES, 1919–1920

ADMINISTRATIVE COMMITTEES

Executive Committee

Col. Henry M. Waite, Chairman, New York
Dr. Charles A. Beard, New York
Richard S. Childs, New York
Mayo Fesler, Brooklyn, N. Y.
Prof. W. B. Munro, Cambridge, Mass.
Lawson Purdy, New York
Clinton Rogers Woodruff, Philadelphia
Hon. Charles E. Hughes, *ex officio*, New York
Dr. Harold W. Dodds, *ex officio*, New York

Intercollegiate Work

Prof. L. E. Carter, Cleveland, Ohio

Prizes

Prof. E. A. Cottrell, Leland Stanford, Jr. University, Cal.

INVESTIGATING COMMITTEES

Civil Service Efficiency and Municipal Pensions

Col. William G. Rice, Chairman, Albany, N. Y.
E. O. Griffenhagen, Chicago, Ill.
Darwin R. James, Jr., Brooklyn, N. Y.
Lawson Purdy, New York
Dr. Don C. Sowers, Akron, Ohio

County Government

Franklin N. Brewer, Chairman, Philadelphia
Dr. Charles A. Beard, New York
Prof. Edward C. Branson, Chapel Hill, N. C.
John E. Brindley, Ames, Iowa
Harold S. Buttenheim, New York
Otho G. Cartwright, White Plains, N. Y.
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VIEWS AND REVIEWS

I

CONSTITUTIONAL lawyers generally agree that the President's veto of the budget bill providing for a comptroller general removable by congress alone was sound law. And with the veto goes the last glimmer of hope of an independent audit and surveillance of expenditures by a congressional agent until the constitution is amended to permit such a peculiar official.

The Tenure of Office acts were a sorry experience of legislative meddling in executive affairs, and if the comptroller general had stood, the way would have again been legally opened to a repetition of the same experience. The supreme court has implied, especially in the case of *Parsons* vs. *United States*, in which it supported the dismissal by the president of an appointed officer before his term prescribed by law had expired, that it will follow the precedent established by the first congress that the power to remove is exclusive with the president as an incident of the general grant of executive power.

Our theory of government never contemplated an officer such as the comptroller general was to be. And yet he is essential if congress is ever to surrender control exercised through appropriations made in minute and inelastic detail, which is the only method at present by which it can supervise expenditures. The comptroller general was to be congress' inquisitorial agent in the executive departments to furnish it with information concerning expenditures which it is entitled to have, a matter which is accomplished quite simply under the parliamentary system. It is too bad that this office, unique in our experience, is not to be given a trial.

II

PROPORTIONAL representation is under attack in Ashtabula, which may be taken as a sign that it is accomplishing some of the things its advocates claim for it. Really, our system of representation based exclusively on geographical districts has broken down. Geography is only one element in a complete scheme of representation.

During the war the government called to its aid in semi-official capacities numerous trade associations, labor organizations and the like. The war committees of the United States Chamber of Commerce are a notable example. The government thus recognized the existence of groups because each group had something special to contribute. The action was, moreover, a recognition of special interests to be placated as well as a realization of special capacities. And so proportional representation aims at the highest synthesis through dignifying the parts.

III

FIGURES of government expenditures are usually less interesting to most of us than a seed catalog, but properly interpreted they are lucid commentaries on the social value of government.

Dr. Edward B. Rosa of the Bureau of Standards in a recent address before the Washington Academy of Sciences analyzed the federal appropriations for 1920 with striking effect. In non-self-supporting activities we spent $5,868,005,706.00. To meet expenses attributable to recent and previous wars and for self-defense for the year, we spent $5,279,621,262, or 92.8 per cent of the total; a fiscal argument for a league of nations. Public works amount to 3 per cent; primary government functions 3.2 per cent; and research, educational and development work 1 per cent.

In other words the United States government spends at the rate of fifty cents per capita per annum to promote scientific research, to increase production and efficiency, to promote education and public health, to develop wealth and to conserve our natural resources.

Of the fifty cents spent for research and development, thirty-one cents go to agriculture; three and one-half cents to public health; six and one-half cents to education; two and one-half to mines and minerals, five to commerce and manufacturing; and one-half cent to labor problems.

It may well be asked if the total burden of taxation would not be lighter if the expenditures for scientific and development purposes were increased.

IV

THE official summary of federal appropriations for the next fiscal year shows that we are still far away from the pre-war basis. The appropriations for the fiscal year 1921 are four billion dollars in excess of those of 1916, and total, including deficiency bills, $4,859,890,327.30. Appropriations incident mainly to past wars, including cost of federal operation of railroads and new loans to railroads, total $2,838,118,400. Our present national defense is to cost $855,956,927.57 and the civil functions of government, $979,319,916.50.

The chairman of the house appropriations committee claims credit for his party for saving the country $2,710,000,000 by cutting the estimate of the executive departments, whose heads, by the way, happen to belong to another party. But everyone knows that the estimates by the executive departments were framed with the expectation of being cut, and with no budget system congress at best could only use the ax blindly. Party platforms wisely accept the inevitable and commit the country to continued high taxes.

V

SENATORS are discovering that affairs of state demand more attention than in past years and that political fences back home are as insistent as ever. Mere pressure of time consequently drives them to more expeditious business methods, and the senate has adopted the suggestions of Senator Knox to eliminate about one-half of the seventy-four committees and to limit the principal ones to fifteen members. The theory is that members can concentrate on committee work without the distraction caused by membership on many committees. The change was adopted by unanimous vote and will go into effect at the opening of the next congress. The move is more significant as indicating a state of mind than from the standpoint of practical results. Of course, most of the abandoned committees rarely functioned, but they offered many little perquisites and honors for home consumption. Only those who have experienced the difficulties in the way of similar reforms in the state legislatures can fully appreciate the senate's action.

The war brought the business methods of the government under severe scrutiny and congress has reacted to the ridicule and criticism heaped upon it from new quarters the past few months. If the result of the senate's action is to exalt committee work we shall have an improved legislative product.

H. W. Dodds.

WHY IS A BUDGET?

Our readers will remember the article in the May issue, "Behind the Scenes with Five State Budgets," and we are glad to be able to publish the following criticism. :: :: :: :: ::

To the Editor,
National Municipal Review:

SIR:—One wonders what your correspondent, B. E. Arthur, expected to find "behind the scenes with five state budgets."

The outstanding complaints against the state procedure reviewed appear to be these:

1. In New Jersey the governor, instead of preparing the budget alone, called in some prominent members of the legislature to advise him, "thereby shifting or diffusing the responsibility."
2. In Maryland, since restrictions were placed on the legislature amending the budget, the governor yielded to the demands of the legislature and submitted supplementary budgets embodying its suggestions.
3. In Ohio the governor did not consult with the leaders in the legislature as was done in New Jersey, and an appropriation committee, consisting of a horse doctor, a farmer, a florist, two lawyers, a bee keeper, a merchant, a druggist, a real estate agent, a broker, an insurance agent, an automobile dealer, an electrician, a dentist, and a dog fancier, with the help of other committees, upset the budget apple cart of the executive.
4. In Massachusetts "the governor did not assume leadership, but left the determination of the budget program largely in the hands of the legislature."
5. In Virginia the functions of government are not co-ordinated and "the workings of such a governmental machine will defeat the purposes of any system of budget control, no matter how well it may have been devised."

Mr. Arthur's conclusion from these premises is clear, forceful, and agreeable, to wit,—budget procedure is not marathoning to the millennium, but is jogging along in company with sound governmental accounting, purchasing, and reorganization.

True as gospel!

But what light do the researches of the author throw upon the question of what should be a sound state budget procedure?

The writer of this letter ventures no opinions, but does venture some questions concerning this point.

In New Jersey, as in Ohio in 1913, the governor, by co-operation with legislative leaders, got his budget program by the legislature without material change. The author criticises this as a dissipation of authority. Recently, in Ohio, due to the absence of such co-operation (probably owing to differences in political faith) the governor's budget went to pot. The author criticises this natural interference of the legislature.

Query: *Shall, or shall not we have co-operation between the governor and the leaders of the state in formulating the state's program of work?*

In Maryland, whose budget procedure was drafted by admitted authorities, and the virtues of which were heralded country wide, the legislature compelled the governor to nullify a constitutional procedure, and incorporate the legislature's suggestions with his own. In Ohio, a committee consisting of a horse doctor, a farmer, a florist, two lawyers, *et al.*, wrote their own ideas of what the state wanted into the governor's program.

Query: *Shall or shall not we assume that the elected representatives of the people have a right to tell the governor when they think his program has left out or included things the people want or do not want? If the answer is affirmative, then who are better qualified to say what the public wants than "a veterinarian, a farmer, a florist, two lawyers, an apiarist, et al.?" Would a committee of fifteen budget experts be better?*

In Massachusetts the governor sidestepped his obligation to present a financial and work program, and in Virginia the governor well endeavored but was handicapped by unco-ordinated departments of government.

Query: *Shall or shall not we go ahead promoting improved budget methods because one or more governors do not make the most of opportunities so provided, or because one or more states have not taken all of the steps to make that improved budget procedure most effective?*

And a final question—shall or shall not we profit by the weaknesses that Mr. Arthur has indicated in the operations of five state budget laws, and endeavor to prepare a state budget procedure that will be as nearly 100 per cent effective as is possible, considering the personalities, beliefs, and prejudices of governors, law makers, and citizens? If so, shall or shall not such a budget procedure recognize the desirability of co-operation between the governor and legislative leaders in preparing the state's program, and the right of the public's representatives to amend that program?

Very truly yours,
LENT D. UPSON,
Director, Detroit Bureau of Governmental Research.

EMPLOYMENT STANDARDIZATION IN THE FEDERAL SERVICE

BY WILLIAM C. BEYER

Assistant Director, Bureau of Municipal Research of Philadelphia

ON March 12, 1920, slightly over a year after its creation by an act of congress, the Congressional Joint Commission on Reclassification of Salaries submitted its report on the standardization of employment conditions in the civil service of the municipal government and of the various executive departments of the federal government in the District of Columbia, except the navy yard and the postal service. About 100,000 civilian employes are affected by the recommendations contained in this report of 884 printed pages.

It is to be noted that the work of standardization in this case was not entrusted to the civil service commission which is most directly concerned with employment matters, but was assigned to a special commission of congress composed of three senators appointed by the president of the senate and three members of the house of representatives appointed by the speaker. The subsequent administration of the standardization plan, however, will become the duty of the civil service commission.

The findings of the congressional joint commission are not essentially different from those of other agencies that have made similar investigations in other jurisdictions. The "lack of a comprehensive and consistent employment policy, and of a central agency fully empowered to administer it"; the inequalities of pay for similar work; the multiplicity and the misleading character of pay-roll titles, and the failure of public salaries to keep pace with the rapid increase in the cost of living; these are all conditions that exist not only in the federal civil service in the District of Columbia but in practically all other branches of the public service in which standardization has not yet been brought about. Nevertheless it will surprise many persons to learn that since 1893 the average annual salary of government employes in the District of Columbia has been increased only 40 per cent whereas the cost of living since that date has gone up 159 per cent!

In the character of the classification of the service recommended in the congressional commission's report one cannot help observing a marked breaking away from the Chicago type of classification with its broad grouping of positions and the adoption of a classification plan more nearly resembling the New York type with its restricted vocational groupings. The use of a wholly different nomenclature, however, still tends to cancel somewhat the fundamental similarity between the congressional commission's classification and the New York type of classification.

It is gratifying to note an almost complete absence of the general definition of duties and the general statement of appointment qualifications intended to cover a group of related positions, and to find that in nearly all cases the individual standard position is separately defined and governed by a specific statement of appointment qualifications applying to that standard position alone.

The problem of proper compensation was approached by the commission with a great deal of timidity. Although it was furnished by the United States Bureau of Labor Statistics with standard budgets showing the amounts necessary for a single man, a single woman, and a family of five persons to maintain life in health and decency, yet the commission does not seem to have made any specific application of these budgetary studies. Neither did the commission accept the increase in the cost of living as shown by the price index numbers of the Bureau of Labor Statistics as a uniform guide in making its salary recommendations. Efforts were made to ascertain the market value in private establishments of services corresponding to those rendered by different classes of government employes and the information thus obtained appears to have been used to a greater extent than any other data. For many classes of work, especially in the higher grades, no salary recommendations at all were made. It is estimated by the commission that its suggested salary schedules will call for an increase of only 8.5 per cent in the appropriation for personal service. When one recalls the enormous rise in the cost of living in the last few years, and the inadequacy of previous adjustments in compensation by congress, one cannot help wondering how so mild an increase as that recommended in the commission's report can really meet the fair requirements of our federal employes.

The problem of advancement from lower to higher rates of pay within a range of compensation is handled in the usual manner, *i.e.*, efficiency records are recommended. Systems for recording and reporting such records are to be worked out under the supervision of the civil service commission.

Among other things, the congressional commission suggests an enlargement of the powers of the civil service commission and the creation of an advisory council to the civil service commission composed of twelve members, six to be appointed by the president of the United States and six to be elected by the employes themselves. This council is to have power to make recommendations only, but its representative character ought to give considerable prestige to whatever it recommends.

The report now awaits the action of congress. What that action will be time alone can tell.

GOVERNMENT HOUSING IN CANADA

BY ALFRED BUCKLEY, M.A.

Ottawa, Canada

The July issue of the National Municipal Review of last year contained an article by Mr. Thomas Adams, Housing and Town Planning Adviser to the Canadian Government entitled "Canada's Drive for Better Housing." Mr. Adams described the Canadian housing policy as tentative and experimental and admitted that it involved almost revolutionary changes in housing methods. It had to meet and overcome the powerful objection that hitherto the provision of houses had been regarded as the prerogative of the building industry and any government action was an interference with private enterprise.

The answer to this objection was obvious and conclusive. It was that private enterprise had practically ceased to operate in the construction of workmen's dwellings and any further reliance upon the supposed potency of the law of demand and supply was perilous and impossible. Accumulated evidence showed that the housing conditions of most towns and cities were a menace to the health and welfare of the people and, in the interest of the race, the housing of the working classes must be accepted as a national responsibility. Private enterprise had abandoned the task because there was no money in it.

The Canadian Government decided to inaugurate a loan of $25,000,000 for the purpose of national housing. This money was to be distributed among the nine provinces, pro rata to the population. The money was loaned at 5 per cent interest and the provinces were to accept the responsibility of the administration of the loan. The project represented a co-operative effort among federal, provincial and municipal governments. The federal responsibility consisted in supplying the capital, in establishing certain general principles for better housing and in keeping a general oversight of the provincial housing schemes, which had to receive the approval of the Federal Housing Committee. The indications are that the whole of the loan will be taken up during the present year.

MUNICIPAL HOUSING

The significance of the movement is contained in the term "municipal housing." The final executive is the local municipal housing commission and it may at once be admitted that the legitimacy of municipal housing has been established in Canada through the logic of an urgent human need. The public conscience was shocked and distressed by the bad housing conditions of the workers and orthodox economic doctrines had to be scrapped. There was no supply to meet the imperative human demand involving the welfare of thousands of families and returned soldiers. It was frankly recognized that private enterprise had not only failed to meet the social need but also that the provision it had made in the past with the single incentive of private gain had been deplorably unsatisfactory. As there came a time in all civilized countries when it was recognized that private enterprise in education had become an ignoble failure and the more powerful instrument of government machinery had to be called into operation, so the time had come for the birth of national conviction that the provision of proper dwellings for the people, where families could be reared in decency and comfort could not be left to the operation of a spasmodic law of demand and supply that had nothing more benevolent for its incentive than the making of profit.

HOUSES BUILT

The Canadian housing act has now been in operation for over a year and some results may be indicated. With the aid of the federal grant, about 1,600 houses have been built and in contra-distinction to the British policy—which has practically abandoned the hope of building for economic return—the Canadian houses are expected to pay for their construction. It is also noteworthy that though the amount of the Canadian grant is extremely small in comparison with the British appropriation, the number of houses actually built at the time of writing is larger in Canada than in Britain. The British minister, replying to a question in the House of Commons stated that the number completed, up to April 1, was 1,306, though he stated that 12,136 other houses were in various stages of construction.

ONTARIO LEADS

For the Canadian achievement the chief credit must be given to the province of Ontario which early adopted a vigorous and progressive policy and raised a special loan, as a province, of $2,000,000. Ontario has completed 1,184 houses. To this province was allotted the sum of $8,753,291 of the federal loan and the housing report of the province states that if all the requests received from the municipalities for loans were met another eight million dollars would be required. With the change of government a new housing act has been adopted by the province of Ontario, entitled "The Municipal Housing Act" which is similar in nature to the housing act of 1919 except that the municipalities will no longer take advantage of the federal loan but will issue debentures which will be guaranteed by the province. On account of the steady increase in the cost of building, which is placed at 25 per cent for the year of activity, the maximum amount of loan has been raised from $4,500 to $5,100.

In the Ontario housing act soldiers, widows, or widowed mothers of soldiers may be advanced 100 per cent of the value of the house, land and improvements, where the land has been acquired by the housing commission. Civilians must purchase the land or advance 10 per cent of the value of the house, land and improvements from the local housing commission. The municipalities may deposit their debentures with the province without limiting their borrowing powers.

A similar act to the Ontario act of 1919 was passed by the province of Nova Scotia. Several towns have appointed housing commissions and much activity is promised for the present building season.

In the province of New Brunswick, fifty houses have been built.

The original act of Quebec was devoted exclusively to the building of garden suburbs in the neighborhoods around the chief industrial centers but the act has been modified in this respect and will be applied more largely to assisting individual lot owners to build houses for themselves. Some twenty houses have been constructed.

In Manitoba an act was passed that gives preference to returned soldiers over other applicants for loans and various municipalities bordering on the city of Winnipeg are taking advantage of the act. Over seventy houses have been built and about twice that number are in course of construction. It is expected that at least 350 houses will be completed during the present season. Manitoba also expects to make a provincial grant for housing purposes of $1,000,000.

In British Columbia the government conveys free land to soldiers for housing purposes or to municipalities for the benefit of soldiers. About fifty houses have been built, ninety are under construction and there is a program for the present season of about 300 houses.

THE USES OF TOWN PLANNING

The application of town planning principles to the problem of housing depends upon an educational process that involves an extent of social vision that widens very slowly. Where the affections gather round a home or a homestead it is perfectly well known that the home means something more than a house; it means also the surroundings of the home; its setting; its environment. Where a house provides no opportunity for outdoor life in the summer time the development of the gracious associations and memories that make the romance and contentment of home is impossible. There are thousands of houses in every town and city where the only outdoor life of the home is a chair in the noisy and unlovely street.

Town planning would give to the humblest resident the chance of outdoor home life and this is a part of the Canadian policy. In the capital city of Ottawa an estate of twenty-two acres has been acquired at Lindenlea by the Ottawa housing commission in the beautiful suburb of Rockcliffe and has been laid out on town planning lines by Mr. Thomas Adams. The estate is well wooded and most of the trees are being preserved. The rectangular method of subdividing suburban property has been abandoned and for economical and aesthetic reasons the contour of the land has been followed instead. The main feature of the street plan is a diagonal road called Rockcliffe Way. This will form the main artery and will be an attractive driveway fringed with open spaces and trees. Residential streets have been planned with a view to economy, quietude and beauty and will not be paved wider than needed by the small traffic incident to such streets. It is estimated by the Portland city planning commission that by the reduction of street paving for minor residential streets to twenty feet between curbs property owners may save $125 per lot.

Air space at Lindenlea will be supplied by gardens and boulevards and by restrictions in the density of building. The estate will provide for 168 houses, fifty of which are already built or are in course of construction. The average cost of the land works out at about twelve cents per square foot. Ample provision is made for open spaces and playgrounds. There will be tennis courts and bowling green, a small public park, children's wading pool and community hall. Such questions as the orientation of buildings, the preservation of open views of river and mountains have been studied with as great care as the problems of sanitation and other engineering. The estate was bought at the rate of $3,000 an acre and the lots are being sold at from $450 to $600 each.

There is little doubt that the Lindenlea garden suburb at the capital city of Canada will form one of the most attractive housing developments in North America and that its educative effect upon the residents and upon the visitors from other cities will be very considerable. It is not yet fully understood that town planning is a people's movement; that it spells social efficiency in the housing of the people and the distribution to the common people of those amenities of civilization that have hitherto been the privileges of the wealthy. It has yet to be understood on this continent that the municipalities that are richest in the possession of land that may be applied for use and not merely for financial profit and especially to the vital use of providing homes for the people that will be something more than sleeping places will have the best chance of attaining the prosperity, extension and reputation that constitute their ambition.

THE CITY MOTHER'S BUREAU OF LOS ANGELES

BY LEO JONES

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I

"To prevent our boys and girls from becoming delinquent, to extend to them a helping and restraining hand before they commit acts which would bring them to the attention of the police and juvenile court officers, and by a policy of co-operation and understanding to improve the home and social environment of these young people to the end that they may become useful, right-loving men and women—these are the keynotes of our work." This statement was made recently by the city mother of Los Angeles, Mrs. Aletha Gilbert, on the occasion of the fifth anniversary of the organization of the city mother's bureau. This bureau, the first of its kind in the United States, was established late in 1914 at the instance of Mrs. Gilbert, who for twenty-four years had been connected with the police department of Los Angeles. Her work as matron of the juvenile bureau of this department had convinced her that a large amount of juvenile delinquency could be prevented if she could only reach the boys and girls who were in danger of becoming delinquent but had not yet committed offences of a serious nature. It was impossible to accomplish this through the regular channels of the police department because of the inability of this department to take cognizance of cases not involving the actual violation of the law.

Another conclusion which was forced on Mrs. Gilbert by her experience in the police work was that there is a positive danger in bringing to the police station boys and girls who have committed some minor offence. The prison atmosphere, the morbid crowd always to be found at the station, the reporters of the sensational press eager to give publicity to the shame of some girl or boy—such an environment, far from encouraging the reformation of youthful wrong-doers, tends to harden them, to break down their self-respect, and to pave the way for a career of crime. Their entrance to the police station is the public announcement of their criminal character. After that nothing matters, for henceforth they are branded with the stigma of a police record. It is little wonder that they so frequently live up to the record thus established.

II

Considerations such as these led Mrs. Gilbert to establish a confidential bureau separate from the police department and away from the depressing atmosphere of the police station and city jail. The office of the bureau is located many blocks from the police station in a quiet, inconspicuous building which houses also a public school, a recreation center, the health and playground departments, and a few other municipal offices. There is here no police atmosphere; there is absolutely nothing in or about the office of the bureau to indicate that it has the slightest connection with the police work of the city. As a matter of fact, the city mother's office is a bureau of the police department, and the city mother is a police officer with the rank of sergeant. But this connection is kept in the background. The city mother has never made an arrest and has found it necessary to display her police badge only once in five years. The city mother makes a monthly report to the chief of police, but there is very little supervision of, and no interference with, the day-to-day work of the bureau by the central police office, and the city mother is given practically a free hand in dealing with all cases. The city mother is appointed by the mayor for an indefinite term. She is assisted by an assistant city mother who is selected by civil service, and by an unsalaried board of ten women appointed by the mayor. This board is composed of representative women who are prominent in the women's clubs and religious organizations of the city. The members give active assistance to the city mother, particularly in the work of securing the enactment of remedial legislation.

Cases of delinquency and of potential delinquency come to the attention of the city mother through various channels. Parents, especially mothers, frequently come to the bureau for assistance when their boy or girl is getting beyond their control. Because of the confidential character of the bureau, they feel free to enlist its aid. Many cases are sent to the bureau by ministers and by the teachers and principals of the public schools. Still other cases are referred to it by the juvenile court officers, the police department and the city prosecutor, when for lack of evidence or other reason it is deemed inadvisable to prosecute the delinquent. Not the least source of new cases is the reports of the young people who have themselves been helped by the bureau. They come to the city mother and tell her of some friend who is "slipping" and suggest that she "better get them before the police do." Occasionally, children come to the city mother of their own accord without having been summoned. "Are youse the city's mother?" asked a small boy who had run away from his unhappy home and taken refuge in the city mother's office. "I thought that if you was the city's mother, you must be a pretty good mother, so I came to you."

So busy has the city mother been kept by the many cases that have come to her in these different ways that she has at times been seriously overburdened, and at no time has she found it necessary to look about for new cases. In fact, it is the policy of the bureau—and the reason for much of its success—not to go out into the city looking for trouble. By acting primarily as a consulting bureau rather than as an investigating bureau, it avoids much of the antagonism which delinquents have towards corrective and "uplift" agencies. When the cases are so flagrant that they cannot be adjusted by the city mother's bureau, they are turned over to the officers of the juvenile court. When the delinquency is the result of feeble-mindedness, as is often the case, the offenders are referred to the proper authorities. The city mother deals only with those cases which give reasonable promise of reform.

To describe the methods which the bureau uses in its work of reclaiming the wayward youth of the city is difficult, because almost every case is handled in a different manner. A frank and full confession is the primary essential to reform, so the city mother first gets such an avowal from the lips of the boy or girl. This confession is obtained by a quiet, confidential, heart-to-heart talk in which sympathy and understanding are the implements employed. The threat of prosecution is not held over the child's head; he is subjected to no inquisitorial ordeal; he is asked almost no questions. But he is given to understand that the city mother earnestly wishes to help him out of his difficulties and that he may confide in her as freely as in his own mother with the assurance that his confidence will be respected. Surprised and softened by this conciliatory attitude, he tearfully tells all, and the foundation is laid for a genuine moral reformation. Experience has shown that the delinquent will often confess to the city mother deeds which he could not possibly be made to admit to his own parents.

III

The city mother has found that the greatest single cause of juvenile delinquency is an unwholesome home environment. Her chief endeavor, therefore, is to improve this environment. Often the difficulty is lack of understanding between parents and children, which can be removed by a little friendly counsel with the parents and motherly advice to the children. Many cases of delinquency arise from the downright poverty of the family. The remedy here is to raise the economic status of the family by obtaining a position or a better position for the wage-earner. The bureau has a fund on which it can draw for the temporary assistance of poor families, but it does not follow the policy of giving charitable relief. Where financial assistance is given it is usually in the nature of a loan.

Another cause of unfavorable home conditions is the incessant quarrelling or separation of the parents. In its efforts to remove this cause of delinquency the city mother's office has virtually acted as a bureau of domestic relations. By its friendly mediation many family disputes have been adjusted, separations prevented, and the family kept together. The city mother has found that boys and girls are not the only persons who require "mothering." Men and women, especially men, are often in need of this type of treatment. In order to promote the welfare of the children, the city mother must inevitably deal with a large number of adult cases. Nearly two-fifths of all cases disposed of by the bureau are those of grown persons.

If for any reason a bad home environment cannot be improved, another home for the child is found. The finding of suitable homes for dependent children is one of the chief functions of the bureau, and several hundred boys and girls are thus placed every year. A common method of obtaining a home for a child is to advertise in the daily newspapers. Numerous answers to these advertisements are always received, and competition between applicants for a child is often keen.

Next to unfavorable home surroundings, idleness is probably the greatest contributing cause of delinquency. If the idle child is of school age, the city mother co-operates with parents and teachers in an effort to keep him in school. If not of school age, a suitable position is found where he can be self-supporting. Many young people who have come before the city mother are required by her to present weekly financial accounts showing how they have spent their earnings. There are in the city several rising young business men and women who owe their start in life to the city mother's bureau.

In cases where the misconduct is traceable to the influence of evil associates, the associates are called in and an effort is made to secure their reformation as well as their aid in helping those whom they have injured. If they refuse to co-operate or withdraw the harmful influence, the city mother may use the threat of prosecution to bring them to time. This, however, is not often necessary. "Our appeal is to the heart, not to the law," says Mrs. Gilbert, "and it is an appeal which rarely fails."

Because of its limited office force and the volume of its business, the bureau is unable to maintain an effective follow-up system, but after the adjustment of a case it attempts to keep in touch with the situation by requesting weekly reports from the parents or teachers or others in a position to observe the conduct of the child in question. These reports are sent in until a normal, healthy life has been reasonably well established. Only a small proportion of cases come before the city mother the second time. There is some specialization in the division of cases between the city mother and her assistant, Mrs. Gilbert handling most of the girls and Mrs. Deane Harris, the assistant mother, the boys.

IV

In its effort to provide wholesome social diversion for the city's youth, the city mother's bureau has from time to time given municipal dances and entertainments for which small admission fees were charged. These affairs have been largely attended, and the proceeds have gone into the bureau's emergency fund. Several thousand dollars have been raised in this way for the work of the bureau. The only expense to the city of Los Angeles of the mother's bureau is the salary of the city mother and her assistant and the maintenance of an office.

In addition to its regular duties, the city mother's bureau maintains jointly with the department of education a day nursery where children of working mothers are cared for daily at a cost to the mothers of only ten cents a day. It is the policy of the bureau to co-operate to the extent of its resources with every other social agency in the city whether public or private. During the influenza epidemic of a year ago, the bureau acted as a nursing agency for the health department and directed more than one hundred nurses from its office until the crisis was past. Close co-operation with the juvenile court officers and the police department is maintained, and the bureau has effected the arrest and conviction of several dangerous criminals whose operations were discovered by the bureau in the course of its work of preventing juvenile delinquency.

The Los Angeles city mother's bureau has been so successful that a number of other cities, including Pasadena and Des Moines, have established bureaus modelled after the original city mother's bureau. Still other cities have adopted the city mother idea of treating juvenile delinquency with kindness and persuasion rather than with strong-arm methods, but have entrusted the working out of the idea to the juvenile court, the school authorities, or other existing officers. The adoption of humane and intelligent methods of dealing with delinquency is of course an important reform. But equally important is the question of providing the proper machinery for applying these methods. The establishing of a city mother's bureau as a separate and specialized office, the chief function of which is the prevention of juvenile delinquency, has many advantages. Existing municipal departments are already burdened with their special duties, and the preventive work which they do is apt to be incidental. The juvenile court is fully occupied with the youthful offenders who have actually violated the law. The school authorities are busy with their own peculiar problems. There is in most cities no agency which deals primarily with potential delinquents, those young people who are lingering on the fringe of a criminal life but have not yet taken a fatal step. It is at this stage that the city mother can usually save the day. There is, moreover, a psychological value in the very name, "city mother"; it inspires confidence, respect and affection in the hearts of the children who are in need of a mother's love and counsel. It adds a human element to the city's treatment of its erring youth. The expense of maintaining a city mother's bureau is insignificant compared with the money which the bureau saves the city by the prevention of delinquency. But what is more important is the saving to society of its most precious possession —its boys and girls.

DISFRANCHISED WASHINGTON

BY OTTO WILSON

Washington, D. C.

We are apt to forget the plight of the District of Columbia whose people no longer enjoy representation with taxation. The tangle of national politics with local affairs is one of the chief causes. :: ::

The first returns from the new census have revealed that the only community within the jurisdiction of the United States, including Porto Rico and the Philippines, which has no voice whatever in its own government has a population of 437,591—more than the total population of any one of four or five states. Out of this number about 290,000 are adults and, assuming woman suffrage, would be voters. Many thousands of them, although full fledged American citizens and belonging to the hitherto voting sex, have never cast a ballot in their lives because they were not permitted to do so. Most of them pay some sort of taxes, but have no more control over the determination of the rate, except in the way of moral influence, than a conquered city of the old Roman Empire had. The interesting feature of this whole state of affairs is that this utter lack of self-government lies at what might very properly be called the world's center of democracy and the principle of self-determination.

Among the people of Washington there has always been a certain amount of protest against their disfranchisement, and this protest is now being voiced in an active campaign for the ballot and representation in congress. A special association has been formed among the many newspapermen in the capital city, and it has opened headquarters and is bringing the case of the District before the people of the country. This association, the National Press Committee for District of Columbia Suffrage, is supported by most or all of the other organizations of citizens in Washington, including the Chamber of Commerce, the Board of Trade, the Federation of Citizens' Associations, a Woman's Committee for District Suffrage, labor organizations, the American Legion, and the Federation of Federal Employes. A joint committee from many of these organizations is co-operating with the newspapermen and efforts are being made to reach the people of the country at large and have them use their influence with congress to pass the needed legislation. Bills have been introduced in both the house of representatives and the senate, providing for an amendment to the constitution which would permit the inhabitants of the District to have the same representation in congress and in the national elections as the rest of the citizens of the United States. For the present at least the success of this movement would seem to depend not so much on overcoming opposition, of which little or none is in evidence, as on arousing and keeping aroused the interest of congress and the various states. What opposition might develop in case the movement should come within sight of its goal is hard to say.

HISTORY OF SELF-GOVERNMENT IN WASHINGTON

The question as to just what political rights the citizens of the District of Columbia should have is not by any means a new one. A hundred years ago it was a very live issue and was mentioned in several presidential messages to congress, and it has continued to break out at intervals during the whole century. The question involved is a double one, that of obtaining the ballot in national elections and representation in congress, and that of controlling the local municipal government. In the absence of any provision in the constitution for representation or franchise for citizens of the District it is held that an amendment is necessary to grant them these rights. As to local government the constitution provides in very specific language that congress shall have exclusive power of legislative control over the District, and the courts have held that this power cannot be delegated except as to matters of local administration. For three quarters of a century a form of local government did really prevail in Washington. But the fact that the capital is always under the wing of congress, that local matters are inseparably connected with national affairs in any number of ways, and that national politics necessarily enter into the local situation to a very considerable degree, combine to make the problem of local self-government more complex than appears on the surface. As a matter of fact it was these features of the situation that actually brought about the abolishing of the local government which the District once had.

Until 1871 the city of Washington was governed by a mayor, a board of aldermen, and a common council, all elected by the people. Early in its history, while it was still a small town of a few thousand inhabitants, there was a great deal of controversy connected with the operation of this form of government, but this restlessness was due in part to the rivalry existing among the three cities of Washington, Georgetown, and Alexandria, all of which were at that time included as separate corporations within the District of Columbia. Alexandria was receded to Virginia in 1846 and Georgetown was amalgamated with Washington, and with this source of trouble removed the local government functioned with no more friction than is usually found in American cities until after the Civil War. Then in 1866 congress granted the vote to the negroes of the District and this and other new conditions made the next few years the stormiest in the city's history. The new voters were all Republican while the prevailing temper of the white population was Democratic. The Republicans kept control of the local government, although at one time it is recorded that there were two separate boards of aldermen, each meeting in the same room and each trying to outtalk the other. With the constant partisan strife no progress could be made with public improvements, which were then woefully needed, as there was very little paving and various kinds of livestock roamed at will about the streets. At length in 1871 congress constituted the District a national territory with an appointive governor, a delegate (without a vote) in the house of representatives, and a legislature partly appointed and partly elected. For three years of controversy the District continued under this territorial status, the chief cause of contention being an ambitious program of public improvements being put through by the board of public works. This work was badly needed but the resulting debt mounted to so many millions and there were so many charges of corruption in connection with public contracts that congress, after three investigations in as many years, decided to change once more the whole form of government. The administration of municipal affairs was placed in the hands of a commission of three men appointed by the president. This was tried out for four years and then, in 1878, made permanent. Washington has continued to live under this form of government, in which the citizens have no vote at all, from 1878 until the present.

PROPORTION OF TAXES PAID BY CONGRESS

Closely bound up with the question of local self-government has been another, which was settled by congress for the time being at the same time that the commission form was adopted. This was the question as to what was the proper proportion of the expense of local administration that congress should provide as compared with that to be furnished by the local taxpayers. For a long while the general theory prevailed that the city should bear its own expenses just as any other city should. But the theory was never strictly applied as from the very beginning congress, much in the manner of an indulgent parent giving money to a free-spending offspring, granted appropriations, guaranteed bond issues, and assumed part of the expenses for improvements. There has always been a more or less definite feeling that the status of the city was out of the ordinary, and that the dignity of a national capital demanded a standard of upkeep whose cost should properly not be shouldered entirely on the local citizens. The organic act of 1878 fixed the proportion to be paid by congress at one-half and this half-and-half arrangement has continued ever since. In a way it may be regarded as a compromise, the property holders and other taxpayers of the District consenting to forego a voice in the levying of taxes and other municipal matters and the national government consenting to pay half the expenses. In recent years, however, there have been several attempts to pass a bill through congress abolishing the half-and-half arrangement, and such a bill has in one or two instances passed the house by a large majority. So far it has met with effective opposition in the senate.[1]

OBJECTIONS TO DISTRICT SUFFRAGE

The objection to District suffrage most frequently advanced is that the negroes would dominate the political situation and would form excellent material in the hands of the ever-to-be-feared political boss. And there is pretty good reason in the statistics of the case to believe that something of that sort might easily happen. In 1910, out of a population of 331,000 the city had 94,000 colored. If the same proportion should hold for the census figures of this year there would be a total negro population of about 122,000 out of a total of 437,000. But their influence at the polls would be still greater than these figures indicate, as there are included in the city's population figures some 100,000 government clerks, practically all white, and a great majority of these preserve their voting residence in the states from which they come. Moreover they are all adults and so form even a greater proportion of the actual voting population of the District, amounting to some 300,000 men and women, than they do of the total population. A great many of these would of course vote in the District, but these figures nevertheless show what a strong influence would rest with the negro vote. This might or might not be a menace, and the extent to which it is undesirable would have to be determined by each observer for himself, according to his prejudices and convictions. But this feature of the situation would undoubtedly have a strong influence on the vote of southern congressmen, and might make impossible the ratification of an amendment to the constitution giving full suffrage to Washington residents.

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[1] Since this article was written congress has changed the proportion to 60 and 40 per cent, the larger amount to be paid from taxes raised in the District.

HOW THE NATIVE FEELS

Nevertheless it is probable that sooner or later the District citizen will be made a voter, at least in local affairs. The reasons for his desire for the vote are both sentimental and practical, and on both grounds are sound. In the first place he has that feeling of detachment from national affairs, of unimportance, even of nonentity, which only the disfranchised know. When the national elections come round every two years, and particularly when a president is to be elected, his political opinions, however intelligent they may be, are entirely academic. They lack the red-blooded vitality that comes from a knowledge that they lead up to the casting of a ballot, and take on something of the same character, say, as the ordinary man's opinion of the issues in British politics. It is not natural for an American to feel entirely comfortable as a mere spectator, whose opinion no one cares much about, when big national issues are to be decided. In a more practical manner his community interests are affected by lack of representation in congress. Everyone who knows Washington knows what a powerful daily influence is exercised on congress by the opinions of the people "back home." A congressman's mind is never very far away from his district, and he does not lose many chances of helping his constituents. The result is that every community in the country has an active advocate in the house of representatives and a sympathetic hearing from one forty-eighth of the senate—except the District of Columbia. The influence which the citizen of the District can exert is purely a moral one, with no threat behind it. When he stands on a cold street corner an hour because of poor street-car facilities he has several ways of giving voice to his indignation, but he has no one to whom to go with the knowledge that his protests will conjure up visions of the next election. He does not often have occasion to desire such recourse because the government of Washington is well and ably administered, but when he does feel badly treated he has a sense of helplessness that is anything but soothing to his self-respect. On these accounts he wants direct voting representation in congress and a local government answerable directly to him. In other words he would like to be a real American citizen.

SLUMLESS AMERICA[1]

BY LAWRENCE VEILLER

Secretary, National Housing Association

A wise man has said: "If God made the country and man made the town, it is time for man to quit falling down on his job."

I HAVE often wondered what a visitor from Mars would think if set down in those portions of our large cities which some of us call slums and which in most cities the good citizens of that community refer to, somewhat deprecatingly, it is true, as "blighted districts" or "the older sections of the city."

Twenty years ago I had the temerity to write of those districts somewhat thus:

> The city of the tenements is the city of thousands of people living in the smallest space in which it is possible for human beings to exist, crowded together in dark, ill-ventilated rooms, in many of which the sunlight never enters and in most of which fresh air is unknown. It is a city of disease, poverty, vice and crime where it is a marvel, not that some children grow up to be thieves and drunkards, but that so many of them grow up to be decent men and women. All the circumstances which surround childhood, youth and womanhood make for unrighteousness. It is a city of ceaseless toil and endless privation—of a community of people always on the verge of poverty, unable to lay by for the future, dreading what old age may have in store for them, haunted by the never absent fear that as they grow old there is nothing left for *them* but the Potter's Field. It is a city where sickness reigns supreme and where the Great White Plague claims its victims by the thousands every year.

That was 20 years ago—well, conditions haven't changed very much for the better in those two decades. On the contrary the slum is spreading and extending itself over the face of the land. Such conditions as were noticeable 20 years ago chiefly in great metropolitan centers like New York and Chicago, today are to be observed in all our large cities, and even in the smaller ones—yes, even in villages and in the open country. The slum is everywhere.

It is a strange thing when we come to think of it that we should have slums in America. These old-world sores should have no place in a new world—a land of promise and opportunity. The settlers of this country had *carte blanche*—but, behold, what we have written upon that paper! Most of us perhaps do not realize how venerable an institution the slum is. Even here in America, we have had slums for nearly a century. We have been conscious of them for over 80 years.

I should speak less disrespectfully of this ancient institution if it were part of the handiwork of the Creator, but I find no record of it in the Garden of Eden. That may be due to the fact that the occupants of that delightful place did not remain long enough for the slum to develop! It is clearly a man-made contrivance. And what man has made he can unmake.

It is not my desire to give you the impression that we have made little or no progress in unmaking the slum. That would be most untrue. Great strides have been made in the planning and conduct of our cities, especially in recent years. Though we have progressed somewhat, those of you who have first-hand knowledge of the conditions that prevail in the slums of our great cities will agree with me that we have lagged behind the rest of the civilized world.

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[1] Prepared for the Cincinnati National Conference on City Planning.

The chief reason for this is to be found in the failure of our people to *understand* the slum—to realize what it really means. Imagination, we are told, is a quality that is lacking to the average man.

WHAT SLUM LIFE MEANS

If all of our citizens realized what life in the slum means to the slum-dweller, the slum would soon cease to exist. Have you ever—even in imagination—contrasted the day-to-day, night-to-night, home-life of the average well-to-do citizen with that of the slum-dweller? Your average well-to-do man wakes in the morning in his large quiet bedroom, the air of which has throughout the night been freshened and tempered to his liking. Your slum-dweller wakes, unrefreshed, in the foul air of a small badly-ventilated room which he has shared with several others. Your average man steps into a comfortable bath that soothes and refreshes him, shaves and puts on clean well-fitting clothes. Your slum-dweller, on rising, stumbles in the twilight of his dark room over the shake-down beds of one or two children and perhaps several lodgers, before he can find space to stand while he crawls back into coarse garments reeking with the sweat of yesterday's toil—and he washes in a handful of water poured into a basin. Your average man goes into a dignified pleasant dining-room to eat an appetizing breakfast prepared for him by others. Your slum-dweller takes a chunk of butterless bread in his hand and, sitting or standing wherever he can find room, washes it down with a cup of indifferent coffee. Your average man, with a sense of well being, lights his cigar and goes forth to his day. Your slum-dweller, with a grouch due to sheer physical discomfort lights his pipe and shuffles down the ill-smelling hall of his tenement home. Your average man, in agreeable surroundings, has throughout the day varied and stimulating work—creative and with a purpose which he understands. Your slum-dweller, throughout the day, bends over one interminable monotonous task—brutal in its demands and deadening in its effect. At the end of his day, your average man has his spin in a motor, his exercise or relaxation, probably another bath, puts on clean clothes, sits down to a good dinner, reads, plays cards, or dances or goes to the theatre or listens to music until he is sleepy and goes to bed in a clean warm bed in a clean fresh room. Your slum-dweller, at the end of his day, hangs from a strap in a car packed to suffocation, makes his dreary way from the crowded car past the garbage cans and refuse of the crowded street into the friction and discontent of his crowded home—to a wife discouraged by endless effort in a hopeless environment, and children to whom his best efforts have been able to give only this pitiful existence. He eats, on the corner of the overcrowded kitchen table, a plate of food which he is often too worn out to enjoy. At best he has, afterward, the vitiated air of the movies, or the vitiated "hot air" of the I. W. W. gathering.

All the conditions surrounding your average man have made for vigor of mind and body and peace and contentment of spirit. He has had the stimulus of choice and the gratification of accomplishment. He has been refreshed by beauty, harmony and order. All the conditions surrounding your slum-dweller have made for discomfort of body and discontent of soul. He has no peace and no privacy—he has not even elbow-room, night or day. He sees no beauty and has no repose. His neighbors' wash shuts out his small patch of sky and he must close such insufficient windows as his room may have if he would not hear his neighbors' quarrels. He works without inspiration and finishes his day without satisfaction or hope.

Am I not right? Is it not because we have never had these conditions brought home to us *in our own person* that the slum flourishes in America today? It is part of "the reckless luxury, the deforming mechanism and the squalid misery of our modern cities." And we go on day by day, building cities that kill the people who live in them. Many years ago John Ruskin said:

"It is the slightest way of killing to stop a man's breath by bullets. . . . At the most you do but shorten his life, you do not corrupt his life. But if you put him to base labor, if you blind his eyes, if you blunt his hopes, if you steal his joys, if you stunt his body, and blast his soul, . . . this you think is no waste and no sin."

That our cities are killing people we cannot doubt, if we open our eyes to facts that are readily available. Does it not mean that the modern city is killing people when out of every 1,000 children born in 96 large cities of Great Britain 104 infants die every year; that in 148 smaller towns as many as 93 infants die each year, when in the Garden City of Letchworth only 36 children die each year out of every 1,000.

Twenty years ago we had not these striking object lessons before our eyes, but the Garden City movement has shown conclusively that the modern city as constructed by man means unnecessary disease and death.

HOW TO DEMOLISH THE SLUMS

Has the time not come when we are ready in America to grapple with this great problem? Heretofore, except in sporadic instances, we have sat down passively in the face of these conditions and done little or nothing to remedy them, whereas the old world has been dealing with them effectively for generations.

Great Britain has demolished her slums with a ruthless hand. In 1866 Glasgow acquired 88 acres in the center of the city, opened 30 new streets and widened 26 existing streets. In 1897 further improvements authorized included acquisition of 24 acres as sites for workingmen's dwellings. The purchase and improvement of lands and buildings cost $9,733,000 and new buildings $1,946,000. In Liverpool between 1865 and 1904, the medical officer of health brought about the demolition of 6,300 houses and between 1906 and 1912, 1,902 houses were demolished, 637 rendered sanitary, 456 closed and 59 condemned. Between 1864 and 1896, 40,000 persons had been uprooted.

Up to 1875 the central portion of Birmingham was overcrowded, unplanned and insanitary. In 1875 the site of the old city was made the subject of an improvement scheme which dealt with an area of 93 acres and 15,000 to 20,000 people. The area was laid out with new streets and open spaces. The worst dwellings were taken down and the rest put into sanitary condition. The gross outlay for this improvement was $8,000,000.

Between 1890 and 1911, Manchester demolished 4,866 houses. Her first large clearance scheme was undertaken in 1891 when 5 acres were cleared of their slums which the city replaced with large blocks containing 372 dwellings. The total cost of the undertaking was $1,386,953.

The slum is exactly like a cancer on the body social and the body politic. It is a malignant growth. Like cancer, if taken in time, its development can be prevented; and like cancer, we are generally conscious of it only when it is fully developed. But whether soon or late, the only remedy for it is the surgeon's knife, and the sooner it is cut out the less serious the operation.

Why have we done so little heretofore in America in the direction of slum clearance? Partly for the reasons already stated, viz., that we have not realized fully the significance of the slum, but chiefly because we have been staggered by the cost of getting rid of the slum. We have seen some slum spot growing and extending its evil influence and we have said "This ought to be wiped out" and then we have inquired what it would cost for the city to acquire this property and clear it out and we have been staggered at the cost and have said "This is hopeless, nothing can be done."

How foolish we have been not to realize that we pay the cost anyhow, only in a different way. Instead of increasing the tax rate to pay the interest on bond issues to acquire slum property, we pay annual taxes to maintain hospitals, prisons, reformatories, police and all the intricate mechanism of modern municipal government, much of which is necessitated by the very slum that we hesitate to destroy. This is no fanciful view. Wherever slums have been cleared out the death rate, the sickness rate, the crime rate, the immorality rate, have immediately and permanently decreased. So, if we must pay the cost of getting rid of the slum in any event, how much better to grapple with the problem in a way that will produce not merely negative results, but positive ones.

How great a factor the slum is in the present unrest of the world it is hard to say. That the conditions which prevail in our slums are a factor in creating discontent must be obvious to all. I wonder whether, with the advent of prohibition and the removal of that solace which drink afforded the unfortunate slum-dweller, deadening his senses and making the slum tolerable to him—I wonder whether, with the removal of that solace will come a new unrest, a discontent with the squalid and sordid existence that has been meted out to so great a part of the population of our large cities. Whether he will not demand a better place to live when he can no longer escape to the saloon.

It was interesting to notice in the daily press a few weeks ago an inflammatory document issued by the American Anarchist Federated Commune Soviets calling for a general strike because of the exclusion of five Socialist members from the New York legislature. What interested me in this manifesto was the following:

> . . . "Declare a general strike! Take possession of all of the food stores and factories! Reorganize the entire society upon the basis of communism! *Destroy all the skyscrapers and tenement houses of the present! Build houses surrounded by garden and orchards. Let the sweet fragrance of flowers and fresh lucious fruit replace the present stench of disease and suffocation and filth.*"

This may not be divine discontent, but it is discontent that must be reckoned with.

We have heard much of the New World that we were all to face after the War. Lloyd George put it graphically when he said six months ago:

> . . . "What does the new world mean? What was the old world like? It was a world

> where toil for myriads of honest workers, men and women, purchased nothing better than squalor, penury, anxiety, wretchedness; a world scarred by slums, disgraced by sweating, where unemployment, through the vicissitudes of industry, brought despair to multitudes of humble homes; a world where, side by side with want there was waste of the inexhaustible riches of the earth, partly through ignorance and want of forethought, partly through intrenched selfishness.
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> "If we renew the lease of that world, we shall betray the heroic dead."

Are we in America incapable of following similar leadership? Do we believe in this new world, or shall we continue along the old paths? My faith in the genius of the American people convinces me that all that is necessary to make the slum a thing of the past is the desire to abolish it. We shall be told perhaps that there are legal principles in the way of such action. There are not. Under the police power there is no state in these vast United States that cannot, whenever it so wills, get rid of its slums.

While there are no legal obstacles to getting rid of our slums, there are many practical considerations to be borne in mind. Chief of these is what to put in place of the slum, for the land thus cleared naturally must be used in some way. In the few cases where there have been slum clearances in America, small parks have replaced the slum. But there is a limit to the number and extent of such open spaces that a city can absorb. And there may be no need of a park or playground in that particular locality. The obvious plan that suggests itself to most people is to replace the dwellings destroyed with new dwellings. Most of the British schemes have taken this direction. To do this in America is not so easy, for it involves the whole broad question of the desirability of municipal housing. A discussion of that question is not appropriate to this occasion. Many people believe such a policy unsuited to American political and social conditions. Others believe that the solution of the housing problem that way lies.

It may be asked why does the replacement of slum dwellings with new dwellings involve municipal housing? Why can it not be done by private enterprise? The universal experience is that where private capital seeks to acquire slum property for a clearance scheme and to replace it with modern dwellings, that a sufficient number of the owners of such property see their opportunity to profiteer and hold their property at such exorbitant prices as to make the proposed development an economic impossibility. The only way to cope with that kind of a situation is by invoking the power of eminent domain and having the city condemn the property. To do this, however, under our federal constitution and under the constitutions of all of our states the property in question must be taken for "a public use." That the clearing out of a vile slum is a public use, there is no doubt. Nor is it probable that our courts would hold otherwise. Whether our courts would hold the building of dwellings on such sites to be sold or rented out to citizens to be a public use, is another question. They perhaps would not. They would also say that the power of the state could not be invoked to take away his property from one private citizen to give it to another citizen for his use and enjoyment. It is always rash to prophesy the future, however. Our courts have been very quick to reflect public sentiment; and it may easily be that a few years from now they will support legislation of a kind that a few years ago would have been considered quite out of the question. We have said there were no legal principles in the way of getting rid of our slums. If there were such legal principles in the way of action, those principles would have to stand aside. As the great Italian historian Ferrero aptly puts it:

> There is, however, nothing on earth, that is at the same time more stable and more fragile than a legal principle. It will resist for centuries all the criticisms of reason, all the protests of sentiment, and all the assaults of opposed interests, only to fall in a few weeks when overwhelmed by a war or a revolution.

And so, I ask you men and women who are concerned with the planning of our cities, whether the time has not come when we should set ourselves resolutely to the task of cutting out these cancers on the body politic, and whether we should not, with face to the future and with our motto "Slumless America" begin the great task of the re-planning of our cities?

THE MEDICAL EXAMINER VERSUS THE CORONER

BY CHARLES NORRIS, M.D.

Chief Medical Examiner of New York City

The coroner, although possessing all the prestige of the common law, broke down absolutely in New York City with its thousands of homicide cases yearly. It is time to abolish the office everywhere.

General dissatisfaction with the work of the coroner of the city of New York resulted in many attempts in the legislature at Albany to abolish this office and to substitute an office to be known as medical examiner, after the fashion of that created many years before in Massachusetts. Finally on April 14, 1915, the office of the coroner was abolished and in its place the office of chief medical examiner was established.[1]

The Coroner's Office Breaks Down

Unlike the coroner's office, the medical examiner's office was not given quasi-judicial powers, but was vested with sufficient authority to administer oaths and take affidavits, proofs and examinations as to any matter within the jurisdiction of the office. The judicial functions formerly vested in the coroners were, under the medical examiner's act, transferred to the proper legal authorities, namely, the magistrates and the grand jury. Prisoners are now held by the magistrates, and the defendants are indicted by the grand jury upon presentation of the facts by the district attorney from the reports furnished by the medical examiner, the police and witnesses.

The coroners were as a class totally unversed in judicial procedure and were nominated by various parties for political reasons and other compelling purposes of practical policy; they were drawn from almost every class of life and occupation, and were unfamiliar with the judicial aspects of their functions and with the important medical determinations over which they were in supreme control and authority. This system cannot withstand intelligent criticism.

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[1] See Laws of N. Y. 1915, chap. 284, entitled An Act to amend the Greater New York Charter and repeal certain sections thereof and of chap. 410 of the laws of 1882 in relation to the abolition of the coroner and the establishment of the office of Chief Medical Examiner.

The judicial functions of the coroner's office are now more satisfactorily and quickly handled by the legally trained magistrates and by the grand jury under the guidance of the district attorney. In other words, the judicial functions of the coroner's office are redundant and have no proper place. When a defendant was held by the coroner's jury, all the witnesses previously examined by the coroner would be re-subpœnaed by the district attorney in the effort to secure an indictment by the grand jury, a procedure which wasted much valuable time of the witnesses. Again, the staff of the district attorney's office had to watch closely the action of the coroners at their trials and not infrequently when the defendants were discharged they were promptly rearrested by the detectives of the district attorney's office. In many cases information leaked out during the course of the hearing predjudicial to the interests of the state.

It is conceivable that a very efficient coroner's office may exist and perform all its medical functions in a proper and thorough manner. Practically speaking, efficiency in fulfilling this civic function has, with a few exceptions, not been attained in this country. The medical duties performed by the coroners' physicians were considered, relatively speaking, of minor importance, and none but the briefest records were filed concerning the findings of post-mortem examinations, even in homicide cases. No autopsy protocols were taken and the reports of death, the inquisitions, were filed with the department of health and in the district attorney's office. The copy of the death certificate was entered in a so-called journal kept in the office, noteworthy only for its brevity, consisting of an incomplete recital of the causes of death, usually two or three words.

The coroners had the power to employ scientific experts after a written consent had been obtained from the district attorney or a judge of the supreme court. In this manner they were authorized "to employ any scientific expert, engineer or toxicologist to examine the body of any person who shall have died from alleged criminal violence or by a casualty, or in any suspicious or unusual manner, and as to the cause of death the said coroner shall have jurisdiction to inquire." The mere insertion in the coroner's law of the necessity of employing scientific experts is, in my opinion, a striking confirmation of the reactionary nature of the system.

THE MEDICAL EXAMINER AND CORONER CONTRASTED

The correct determination of the cause of death is designated as medical jurisprudence, the science which correlates our medical knowledge to the purpose of the law. Thorough equipment in medicine and surgery must be supplemented by a knowledge of firearms, the effect of bullets on the human body, recognition of powder marks and burns, etc. Familiarity with the biological methods employed in testing suspected blood, semen and other stains; practical knowledge of botany in the examination of dust and foreign material upon the clothes of suspects and in the examination of the intestinal contents for particles of food, that is, plant seeds and fibres of animal and vegetable origin; an acquaintance with the flora and fauna of waters, namely, diatoms, etc., may be of great assistance in the microscopic examination of the contents of the lungs and stomach of persons supposed to have been drowned; and again, the determination of the freezing point and the differences in the salt content between the blood of right and left side of the heart may be of use to confirm or negate the diagnosis of drowning. Entomology also may be of considerable assistance in establishing the date of death through the cadaveric flora and fauna.

This incomplete summary of the duties of the pathological expert serves to emphasize the point I wish to make. That the officer whose duty it is to make such examinations which have as their one and single aim the determination of the cause of death and a correct and analytically interpretative analysis of the surrounding circumstances attending, must be a physician by education, technically and practically trained in these branches. No lay or professional man other than a well-trained pathologist as above defined possesses the requisite, natural or legal qualifications to discharge properly the duties of such an office.

The above contention furnishes, to my mind, ample ground for the opinion that the office which determines the cause of death should be administered by a qualified physician through a medical bureau or department furnished with summary powers and large authority, and vested by law to render an unbiased opinion to the court and jury. The office of medical examiner is such a one. Reasons of economy suggest that in small counties or cities the office might properly function as a bureau or division of the department of health. The independence of the office is most essential to its rendering unbiased reports to the court and to the department of health, and its powers should be jealously guarded from the prosecuting branches of the law, the district attorney and the police. Acting in intimate contact with these offices, the medical officer should furnish them with his report as promptly as it is consistent with a thorough and impartial investigation. The medical examiner should be held strictly accountable to the appointing power to insure healthy performance of his tasks and in order that the law of the state may be satisfied.

Under the coroner's system, on account of the great difficulty in obtaining experts because of the incumbrances surrounding the employment of same under the law, a small number of chemical examinations were performed by the Department of Health in a most perfunctory manner, the specimens sent for examination being usually only the stomach contents of suspected cases of poisoning without furnishing the chemist with the information which he should possess. In striking contrast to this negligent and slovenly work, the medical examiners are making daily use of a pathological chemist and his assistants in the analyses of suspected cases of poisoning from narcotics, grain and methyl alcohol, cyanide and metallic poisons, etc. Under the coroners there was a total disregard of the important medical problems which daily confront the medical examiners in a large city, resembling in its incompleteness a performance of Hamlet without Hamlet. The coroner's law was most indefinite as to the duties and functions of the coroners' physicians.

In marked contrast with the coroner's law, that of the medical examiner's office is in my opinion admirably drawn. It specifies minutely the organization of the office and employes, the procedure to be followed in the case of violent and suspicious deaths, when autopsies shall be done; it requires that a detailed description of the findings be written during the progress of such autopsy and that the conclusions drawn therefrom be filed in the office; it emphasizes the care with which the records of the office shall be kept, that the report of each case shall be promptly delivered to the appropriate district attorney in all cases in which in the judgment of the medical examiner in charge there is any indication of criminality. All other records shall be open to public inspection and the appropriate district attorney and the police commissioner of the city may require from the medical examiner such further records and such daily information as they may deem necessary.

The usual procedure of the coroners' physician, certainly in the majority of the homicide cases, was to testify at the trial from memory as to what he had or had not found at autopsy. In Greater New York the office handles yearly about 13,000 cases. Under such circumstances, it is needless to call attention to the almost criminal negligence of such a loose system. The trials are not infrequently postponed for six months. It is hopeless to expect the human mind to recall the circumstances surrounding an autopsy performed in haste and without notes taken at the time.

HOW THE MEDICAL EXAMINER FUNCTIONS

The medical examiners are required to investigate all the surrounding circumstances of death. This is of the utmost importance, for there are questions involved which concern differentiation between homicides and suicides and many other important features concerning the time, the place, manner and circumstances of death. (The examiner is cautioned "to fully investigate the essential facts concerning the circumstances of the death, taking the names and addresses of as many witnesses as it is practical to obtain and before leaving the premises shall reduce same to writing and file same in the office.") During the coroner's régime, the police or hotel authorities or civilians would notify the office of a death and ask the clerk at the coroner's desk to grant removal to the home, undertaking establishment, or to the city mortuary for the purpose of an autopsy. In other words, the surrounding circumstances, which are so important in many cases, were not investigated by the coroner's office, unless perchance the case acquired very considerable newspaper notoriety, when the coroners would jump to the scene in apparent haste, realizing the marked advantages of newspaper publicity.

The records of the medical examiner's office are open to the public and daily use of such records is made by representatives of insurance companies, the families or representatives of the deceased, the army and navy authorities (especially during the late war) and the state industrial commission. Whereas under the coroners, the chemical examinations, even in poison cases, were not made except here and there when the services of the pathological chemist of Bellevue hospital in Manhattan was called upon to aid in a scientific inquiry, the office at the present time is constantly required to furnish evidence of the presence or absence of alcohol and of poisons. We are furnishing constantly to the department of health, the census bureau at Washington and the various insurance companies, information in order to give them accurate data for purposes of classification, etc. The educational value of our reports is illustrated by the curious fact that the office is now criticized in those instances where chemical examinations are not made.

Without the aid of a properly organized chemical laboratory many certificates of death would be signed improperly. A most noteworthy illustration of this point is the fact that before the attention of the country was called to the so-called epidemics of wood alcohol poisoning, this office had become aware of the iniquitous sale of methylated spirits in place of grain alcohol through the routine chemical examination of cases which had come to autopsy in which the pathological lesions were indefinite.[2]

In two articles by the author, written on the workings of the chief medical examiner,[3] was explained in greater detail the work of the office and the functions of the medical examiner.

The difficulty in abolishing a long and well established office, as was the coroner's, is abundantly illustrated by the discussions which took place before the senate committee on city affairs in 1915. The arguments presented by the representatives of the coroner's system were that the coroners' physicians had surveyed a very large number of cases, that they were competent in view of this fact, that the establishment of a medical examiner's office would entail an extraordinary expenditure of moneys,—some claiming that a satisfactory substitute of the system could not be maintained under less than half a million dollars a year. As a mere matter of fact, the medical examiner's office was created with a budget of about $65,000 less than the coroner's budget for Greater New York. The favorite arguments of the coroners were that they were the protectors of the rights of the people, that the new system was instituted purely for the benefits of the medical colleges and that the introduction of a new system was merely a scheme to obtain sufficient autopsies for medical purposes. Glaringly false statements were made in the hearing.

THE MEDICAL EXAMINER FACES PERPLEXING PROBLEMS

One of the most serious tasks that the medical examiner performs is the determination of criminal negligence in accident cases. This consists in the investigation of the circumstances surrounding the deaths in various industrial accidents, the analysis of poisonous fumes is manholes, the deaths resulting from careless cyanide disinfection, either in rooms or in the holds of vessels, deaths resulting from salvarsan poisoning, deaths resulting from structural defects in wood from dry rot and in the careless construction of buildings and other structures in general. In fact, the policy of the office is to bring out all the facts, medical, pathologic, or chemical and to present all such evidence in proper fashion, making direct and trustworthy inferences and at the same time to avoid the danger of looking at facts through the spectacles of theory.

The numerous cases of asphyxiation by illuminant gas which this office handles yearly present a subject of considerable importance to the commonwealth. The duty of the office is not merely to give a correct determination of the cause of death, namely, whether accidental, suicidal or homicidal, but to report to the proper authorities any negligence or carelessness on the part of the landowner or tenant in connection with the attachments of the gas tubing to the heating and illuminating apparatus or structural defects causing leakage of coal gas from water heaters or furnaces. There have been a number of accidental deaths due to the habit of a few of the keepers of boarding-houses of turning off the gas at stated hours and again turning on the gas in the early morning hours when the tenants are still asleep, the burners being turned on. One of the difficulties we have experienced is that there is no single department which has responsibility, to whom such cases can be referred with a certainty they will receive prompt attention and action. The inadvisability of the use of rubber tubing for gas connections was called to the attention of the board of aldermen a few years ago and it is expected that action will be taken to prohibit its use in connections of this kind.

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[2] For statistics of methyl alcohol poisoning for the years 1918–19 in New York city, see "Lesions in Wood Alcohol Poisoning," N. Y. Med. Jour., Apr. 3, CXI, No. 14, p. 583, 1920.

[3] Practical Pathology, L. I. Med. Jour., vol. 12, pp. 201–210. The Office of Chief Medical Examiner; Its Relation to the Public, the District Attorney's Office, and the Medical Profession, N. Y. State Med. Jour., May, 1919.

I wish to call attention to the necessity of performing autopsies upon all suspected cases, namely, all those cases in which the diagnosis cannot be made beyond reasonable doubt. Curious illustrations have occurred in this office to indicate how important a matter this is to the community. For instance, we have had two cases within the past several months of supposed criminal abortions in women in their early forties, upon whom criminal abortions have been performed, and who at autopsy were found not pregnant. The department examines cases rejected by the department of health and death certificates signed by apparently reputable physicians have disclosed cases of acute gastro enteritis which turned out to be peritonitis following criminal abortion, and cases of suicide in women supposedly pregnant (one case up to the seventh month, in an elderly married woman), autopsy revealing that there was no pregnancy, pregnancy being feared due to the appearance of the menopause and poison being taken to deliver a supposed foetus.

THE NEED FOR EXPERTS

The medical examiner and all his assistants should be well trained pathologists. Medical jurisprudence is not a separate art of medicine. Pathology, the study of the lesions presented by the dead body as well as the living, is the foundation stone of medico-legal medicine,—a statement which has the authority of Virchow, Orth, Kolisko and all those who are recognized experts in this line of medical investigation. The training of young physicians for this work is of equal, and I may say of more importance, to the state than that of the training of public health experts. A national movement is being brought to the front by public discussion to improve the public health service. I offer as a suggestion that there are many points of similarity in the training of medical examiners and of public health officers in the fundamental branches of sciences involved in these two important services, namely, that of pathology, bacteriology and general hygiene.

Accuracy in the certification of the causes of death in an office handling every year about one-tenth of the mortality of the city of the size of New York is a function of wide significance and of national importance. Under the circumstances surrounding the majority of the deaths handled by the office, it is hopeless to expect to obtain correct certification, at least, in any degree approaching perfection. Clinicians who have for days or weeks been unable to diagnose correctly many of their cases when these are checked up by the only reliable guide, namely, by post-mortem observation, it is beyond all reasonable demands to expect of the office of medical examiner accuracy of statistics. Autopsies are performed in only a small percentage of the cases (about 10 per cent) which they pass upon. The health authorities still persist in asking further information than is furnished on the death certificates in regard to clinical information which is largely unobtainable. For instance, the etiological factors involved in nephritis, arteric sclerosis, whether the penumonia is influenzal or if primary or secondary. Many of the questions asked are even difficult to determine after a most careful microscopic and bacteriological examination following autopsy.

The beginnings of a modern progressive medico-legal institute have been made. Financial assistance will have to be given to a greater degree than this office has been given, in order to maintain a system commensurate with the demands of possibly the largest city in the world. At the present time the greatest difficulty is experienced in performing the necessary microscopic and bacteriological studies of the viscera and the serological tests to detect the presence or absence of human blood. The funds for this work are at the present time obtained from private sources.

A COUNTY MANAGER CHARTER IN MARYLAND

BY H. W. DODDS

A county charter, abolishing the county commissioners in favor of a council and manager is now before the voters of Baltimore County. :: :: :: :: :: :: :: :: ::

COMMISSION PROPOSES COUNTY MANAGER CHARTER

Late last May, the commission elected to draft a charter for Baltimore county, Maryland, reported a thoroughgoing county-manager charter similar to the city-manager plan now in force in 185 cities throughout the United States. Its backers are confident that it will be approved by the people at the election next November, although in the face of stiff opposition from the dominant political machine.

If adopted it will establish the first county manager in the United States, and will be the fifth home rule charter in the country; the four California counties which drafted their own charters having stuck to the commission form.

Under an amendment to the Maryland constitution adopted in 1915, counties are empowered to frame their own charters. Baltimore county is the first to take advantage of the privilege. At the election last fall a charter commission was authorized and the members elected. After more than six months' deliberation they concluded that the city-manager plan could be applied successfully to county government.

The proposed charter abolishes the present county commissioners, and substitutes an elective legislative council which is to select a full time manager as the executive head of the county. The administrative work is apportioned among three departments under heads nominated by the county manager. Practically all functions except those pertaining to the judiciary are to be transferred to the new council and manager.

THE COUNTY HOME RULE AMENDMENT

The home rule amendment to the Maryland constitution requires the county commissioners upon petition of 20 per cent of the registered voters to submit to the people the question of whether or not a new charter shall be drafted. The personnel of the commission to serve in case the voters decide in the affirmative is determined at the same election.

The constitution lays down certain general lines which must be followed. It is directed that each charter shall provide for an elective legislative body to be known as the county council, in which shall be vested the law-making power. It shall have power to make local laws on any subject covered by the general enabling act, to be passed by the legislature to give effect to the amendment, and no local law may be passed on that subject thereafter by the legislature. The council shall sit but one month of each year as a legislative body, although it may sit oftener as an administrative body. Its presiding officer is to be known as the president of the council and he may or may not be the chief executive officer. The county laws must be published once a week for three successive weeks in at least one newspaper. With these exceptions, the constitution refrains from positive specifications as to the structure of the government which may be set up.

The scope of the powers which may be exercised under a home rule charter is determined from without. In the first place the legislature is directed by the constitution to set forth a grant of express powers to counties framing their own charters, which powers may not be enlarged or extended by any county charter. The express powers authorized by the act of 1918 cover the usual county activities and are enumerated below. In the second place no home rule charter can disturb those officers provided for by the constitution or by general law. It can modify the county government only in so far as it is the creature of local legislation. One exception has been made in the case of the county commissioners. Although they are constitutional officers, they may be abolished under the amendment of 1915 and the enabling act subsequently passed.

A number of the present county officers are completely described in the constitution and these must be accepted by the charter commissioners and the voters. The proposed charter of Baltimore county has, therefore, to build upon a foundation of "state" officers prescribed by the constitution. Moreover, in Maryland a law to be a general law need relate to two counties only so that the possibility that the legislature may still interfere in local affairs under the guise of general legislation remains. If the voters of Baltimore county approve the charter before them at this writing, they will however modify the whole mass of local legislation relating solely to the government of their county, and they will have erected a county legislative body able to pass local laws within the limits of the constitution and general law unmolested by interference for the moment at least, on the part of general assembly in strictly local affairs.

The system of special legislation in Maryland, in common with some other southern states, is specially iniquitous, and the great virtue of a home rule charter exists in the fact that it will dissolve an entangling alliance with the legislature. If you wish to know the complete organization of any county you must examine the code of that county, a volume of from 100 to 500 pages. The public local laws regulate local government in absurd detail.

The Baltimore county code provides that swine are not to run at large within 15 miles of Baltimore city; that the coroner in the twelfth district is to be appointed by the governor; that no horse or other animal may be driven faster than six miles an hour within one mile of the library hall in Catonsville.

With respect to local affairs tradition prescribes that the wishes of the local delegation in the legislature shall prevail. Baltimore county has its political boss, whose control is perpetuated because the legislature always yields to him in local matters. Under the home rule charter this infinitely detailed interference by the legislature, in accordance with the wishes of the boss controlled delegation from the county, will cease. Such matters will now be fought out at home in the county council.

LOCAL CONDITIONS UNUSUAL

Baltimore county is adjacent to Baltimore city and may be described as mixed surburban and rural with two or three developing industrial centers. It is the wealthiest county in Maryland with a population of about 100,000. Its farming land is of the best and it boasts many rich country homes. In 1851 Baltimore city was cut off from the rest of the county and since then has enjoyed practical city-county consolidation. As the city has grown, successive sections of the county have been cut off and joined to it.

Baltimore county is unique in that there is no incorporated town or city within its confines. The only local government therefore is the county government which administers fire and police protection, public health, sewage, roads and sidewalks, etc. Electric light, gas and water are supplied the closely built up sections by private companies. The urban communities are at the mercy of the county. They cannot even enforce the laying of a sidewalk or a sewer, but must await action by the county authorities. They feel especially their weak position towards the public utilities. All extensions of service are paid for by consumer, for whose benefit the extensions are made and consequently certain districts which feel entitled to the conveniences of gas or electric light must forego them.

By recent action of the legislature the wealthiest and most densely populated section was annexed to Baltimore city. The county has therefore lost its largest taxpayers although its expenses, for the most part roads and school charges, have remained about as high as ever. Consequently, the burden on the remaining taxpayers has been proportionately increased. The failure of the county administration to meet the special needs of the urban districts and the obviously low returns on a dollar spent in taxes have convinced many influential residents that something is wrong with the county.

THE PRESENT ORGANIZATION OF BALTIMORE COUNTY GOVERNMENT

The judges of the circuit court, judges of the orphans' court, county commissioners, sheriff, state's attorney, clerk of courts, register of wills, justices of the peace, coroners, constables, and surveyor are constitutional officers. The treasurer's office is established by general law. With the exception of coroners, justices of the peace and constables, all are elective. With the exception of the commissioners none of these officers can be abolished by a home rule charter. However, the others, with two exceptions, are judicial or peace officers performing functions in which the state has an interest.

In Baltimore county the duties of the sheriff have been much diminished. The county jail is in charge of jail warden appointed by the commissioners, the sheriff's major work, as a peace officer, being merely to transfer prisoners from jail to court or penitentiary. For the most part he acts merely as the ministerial agent of the judiciary. He is no longer the chief conservator of the peace, the protection of persons and property in Baltimore county being entrusted to a police force appointed by the commissioners and serving under a chief marshal.

Education is under a board of county school commissioners, forming an independent body politic and corporate.

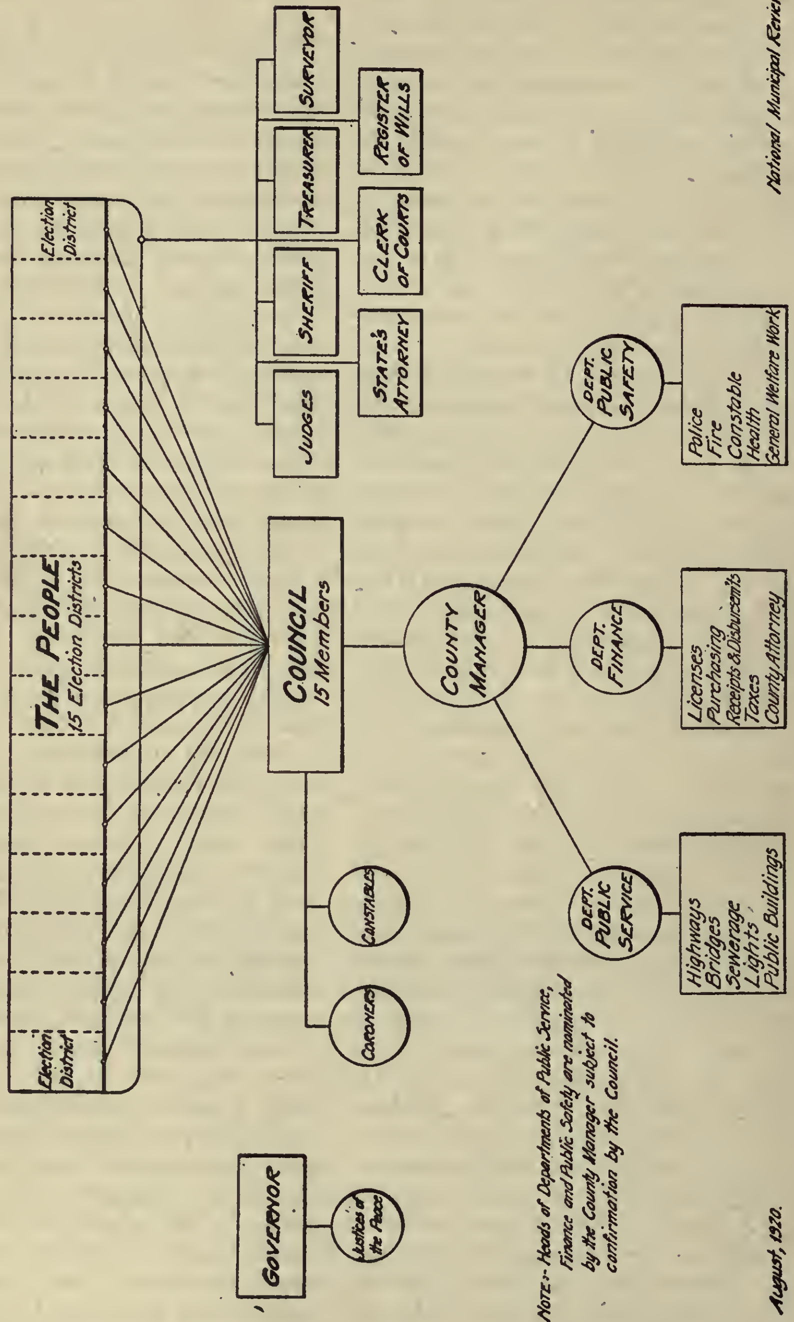
The five county commissioners of Baltimore county, elected by districts, are the chief administrative officers subject to many limitations of local law imposed by the legislature. They have charge of roads, streets and bridges in coöperation with the roads' engineer appointed by the governor, and they appoint the road supervisors. They exercise general supervision over the jail through the jail warden and they appoint and supervise the members of the police and fire departments, grant franchises to public utilities; appoint tax collectors and assessors and sit as a board of review over assessments; levy taxes for all county purposes; appoint county health officers, establish garbage disposal and sewerage systems and appoint directors of the poor. A budget of about a million and a quarter dollars is expended annually under their direction. Because there are no incorporated areas in the county, the functions of the commissioners are more extensive than in most counties, many powers being such as would be delegated to the municipalities were the urban districts organized as corporate units. Most of the subordinate administrative officials are appointed and removable by the commissioners.

THE OLD ORGANIZATION BREAKS DOWN

Road administration, which includes the building and maintenance of paved streets and sidewalks, costs 700,000 dollars annually or about three times as much as the school system of the county. It has been a rich source of political spoils and has caused wide dissatisfaction. Attempts to better it by patching up old methods have been most disappointing. With the commendable motive of removing politics from road work, the legislature a number of years ago created the office of roads engineer to prepare preliminary surveys and to pass upon road work to insure that it was being performed in accordance with specifications. The engineer is appointed by the governor and removable by him alone, and the ultimate effect has been to break up the road organization into two parts with all attendant evils, including excessive overhead expense.

Fortunately exact data are available as to the efficiency of the present system of road administration by politically interested county commissioners and their appointed road supervisors. Five years ago the federal office of public roads and rural engineering surveyed Baltimore county roads. They discovered that while the supervisors spent 28 per cent more money per mile to maintain the improved county roads than was spent by the state on the more heavily traveled state roads in the county, the condition of the former was most unsatisfactory and the cost out of all proportion to results obtained. All the wastes that go with old-fashioned, slipshod management were revealed. The commissioners were found to exercise no adequate control over the fifteen district road

PROPOSED COUNTY MANAGER CHARTER
FOR
BALTIMORE COUNTY, MARYLAND



NOTE:- Heads of Departments of Public Service, Finance and Public Safety are nominated by the County Manager subject to confirmation by the Council.

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supervisors, who ordered material and contracted obligations at will. Although their bills must be presented to the roads engineer for approval, he has no control over their expenditures and the best he can do is to check extenstions and add the totals of the supervisors' figures. The bookkeeping system was so defective as to supply no information as to obligations incurred by the supervisors; it only showed the undisbursed balance in the county fund. Grossly excessive or fraudulent bills could never be discovered. In the words of the report: "The entire system of disbursing, accounting and reporting seems to have been designed for the express purpose of relieving all parties of responsibility." The commissioners and supervisors evinced little willingness to consult with the expert roads engineer, and since they could ignore his reports on quality of material and merit of plans, public interest usually yielded to political expediency.

The good people of the county were much exercised by this report. If county government had broken down in the exercise of its principal functions was it not a fair supposition that it was rotten in other respects as well? The charter to be voted on in November spurns any suggestion of patching up an old unworkable scheme and proposes an entirely new deal in county affairs.

THE CHARTER

Under the terms of the charter the county council is to consist of fifteen members chosen by districts for a term of three years. A member must be a resident of the district he represents, and one third of the membership is to retire each year. Election of members is to be by means of a nonpartisan ballot and nominations are to be made by petition. Members of council shall receive a *per diem* of five dollars and travelling expenses. The month in which the council shall sit as a legislative body shall be the month of December. The law-making and administrative powers of the council cover, in accordance with the general enabling act, county property and franchises, the erection and maintenance of county charitable and penal institutions, drainage, election districts, provision for indexing and keeping all court records, health and nuisances, highways, bridges, and streets, live stock running at large, local fish and game regulations. It has the same power over assessments, levy and collection of taxes as that of the present commissioners. And finally the power to appoint and remove all county officers whose selection is not otherwise provided by the constitution or general law, and to provide for a merit system if desirable. The council is to elect as chief executive officer a county manager for an indefinite term at a salary of $5,000 which may be increased, if expedient, to $6,500. Upon assumption of duty by the county manager, the board of county commissioners shall cease.

The county manager as well as the heads of the three departments may be removed at any time by a two-thirds vote of the members of the council. The head of each administrative department is to be nominated by the county manager, subject to confirmation by the council, for a term of four years. The framers evidently intend that the election by the council is to be no mere perfunctory ratification of the manager's choice since in another section it is provided that "It shall be the duty of said council to elect, as soon as practicable the head of the different departments." The terms of the department heads are not to expire together, for it is provided that "the appointment first made shall serve for two, three and four years respectively, to be determined by lot." Their salaries are to be 3,500 dollars a year, subject to an increase to 5,000 dollars if desirable. No authority is given to the manager to remove a department head.

The executive departments authorized by the charter are as follows: (1) Department of public service under which is grouped highways, bridges, sewerage, light and repairs to public buildings. (The old roads engineer, being a creature of special law, is to be abolished.) (2) Department of finance which covers licenses, purchasing, receipts and disbursements, taxes and county attorney. (3) Department of public safety which is to handle police, fire, constable, health and general welfare work.

However, this plan of departments is "subject to such changes, alterations, rules and regulations as may from time to time be deemed expedient and adopted by council."

THE CHARTER CRITICIZED

If the charter is adopted it will mean a more economical and serviceable government for Baltimore county. And it will point a way in all states where county government is failing. The charter commission has been able for the most part to free itself from the over intellectualization and *a priori* reasoning which so often beclouds political thinking, and to follow natural lines of organization. Criticism as to some essential points will not detract from the very real contribution which the proposed charter will make in practice. The framers do not consider it a perfect instrument, but believe its defects can be ironed out later by process of amendment. Many who do not approve of every detail will support it as a means of gaining home rule for the county. Already the charge of one man government is being used against it. The wish to weaken the appeal of this charge accounts for certain deviations from the usual manager form.

In the first place it is to be noted that Baltimore county enjoys a comparatively short ballot as county ballots go. The only elective officers under the charter will be three judges of the circuit court, three judges of the orphans' court, the sheriff, state's attorney, clerk of courts, register of wills, county treasurer, surveyor, and one councilman elected from each of the fifteen districts. It is to be regretted that provisions of the constitution and general law do not permit a thorough trial of the short ballot idea. The sheriff, shorn of most of his ancient responsibilities, although receiving a salary out of all proportion to his importance, remains as the executive agent of the court. The ideal arrangement would be for the courts to appoint him along with the clerk of courts and register of wills. Surely, the courts should be allowed to select their own messenger and filing clerks, which after all is the limit of the functions of these officials. The treasurer should be selected by the council in connection with a system of independent audit by a certified public accountant.

Some day we shall free our judges from irksome administrative duties. This has been accomplished in Maryland where the lowest court of record is the circuit court, the circuit comprising several counties, and where justices of the peace are appointed by the governor. The state's attorney should be appointed by the attorney general of the state, for he is in fact but the local agent of the latter. The surveyor is an obsolete officer and should be abolished. It should be noted that under the old principle of dispersion of power, the very materials with which these officers have to work is supplied them by the county commissioners whose functions the new council will inherit. And the mere legal injunction that the council must supply these other elected officers with all things needful will never bring harmony of purpose and action.

That the ballot was not shortened by making the council alone elective is, however, no fault of the charter commission; and we pause simply to note that, because of the relatively simplified county organization in Maryland under which the distinction between the judicial and administrative functions of the county has been kept reasonably clear, an easy opportunity exists for that state by a single constitutional amendment to bring its county government into exact line with the best scientific thought of the day. The move could be accomplished with no disturbance or interruption in the work of the county, and by concentrating attention upon the election of a single body the grip of the machine, about which Baltimore county taxpayers complain so persistently, would have to relax.

The membership of the council is placed at fifteen in order to give each election district one representative. This is too large for an administrative body and the honorarium is too small. Remembering the unique, mixed nature of Baltimore county, the number may not be too large for a successful policy framing body. Under conditions such as obtain here, proportional representation would have secured thorough representation to each interest, rural, urban and industrial. The large size of the council may bar it from minute examination of and familiarity with each administrative detail, and this may give the manager and his cabinet a freer hand to follow a consistent policy. The tendency will be to concentrate attention on the broad phases of the manager's work rather than to allow little differences of detail to muddy the pond. "He couldn't see the forest for the trees" expresses a weakness which municipal officials share with the rest of us. It may well be that the large size of the council will encourage a division between administrative and policy framing functions to the extent to which such separation is possible or desirable.

The county manager is to be chosen by majority vote of council for no specified term. The council is restricted in their choice by no residence requirements. The manager is not, however, to be a member of the council, and the way is clear to secure the best executive and administrative qualifications which can be had for the money.

The county manager or heads of departments cannot be removed except by a two-thirds vote of the members of the council. The heads of departments are nominated by the manager subject to confirmation by the council. These strike one as conflicting provisions from the standpoint of responsibility to the council. Of course the charter commission was anxious to defend itself against the charge that the system is autocratic, but it would have been better to allow the manager free choice in the selection of his subordinates, holding him subject, at all times, to removal by a majority of council. Only in this way can the constant and full responsibility of the manager to the people be maintained.

The provision of a term of years for the department heads is unwise, as is the failure to delegate to the manager the power of removing his subordinates. It will prove most difficult for the responsible head, the manager, to remove an undesirable department chief.

Attempts to do so except in extreme cases probably will only generate greater friction within the organization. In the matter of appointment and dismissal of department heads the charter commission has indicated that it was somewhat out of touch with the best municipal experience under the commission-manager government. The manager may be little more than first among equals. The danger is that the charter has after all provided for an administrative board to work under the council, and that the idea of full responsibility centralized in a single individual will be lost.

Under the constitution the council can meet but one month a year as a law-making body. Twenty-six days may be long enough to pass all needful ordinances but it is hard to understand why they should be required to fall within one calendar month. The council will meet at the call of the president to sit as supervisor of the administration. As noted above, it is empowered to enforce the merit system among the county employes, which is a most commendable move.

The charter contains no provisions respecting a budget system. The manager is to present annually an accurate report of receipts and expenditures, and inasmuch as the council is the tax-levying body the natural course will be to look to the manager for estimates of future receipts and disbursements.

What are the charter's chances of success at the polls? At this writing it is of course too early to state definitely. Progressive citizens of the county won out, in the face of bitter opposition by the political machine, in the campaign to create a charter commission. And they elected as members of the commission the people they wanted and the people they didn't want were defeated. The prospects seem bright therefore for final success at the polls.

THE ECLIPSE OF COUNTY GOVERNMENT

County government is experiencing some hard knocks these days. The halo of antiquity is no longer a sufficient defense for this venerable institution. Unfortunately it is not a dramatic spectacle. In New England it is almost non-existent. In the central and western states it performs a series of routine functions which comprise the minimum which a government must perform in a simple neighborhood. Where people have concentrated within limited areas, we have delegated the new and striking tasks arising from the complexity of urban life to our city government, and the county remains as little more than a geographical expression. In some southern states the early traditions of the county survive simply because cities have not grown up nor industrial life developed to disturb them. Even the old county political convention which helped to recall us to our county allegiance has yielded, reluctantly indeed, to the direct primary. Most of us are men without a county.

We all recognize that the simple duties which the county government performs are necessary and usually we pay our county taxes as automatically as we kiss our wives but grumble more about it. Occasionally we are aroused by extraordinary misuse of county funds. If we live in a city, the county government may be revealed to us as a parasitic survival, duplicating the more effective work of the municipality. Or if we live in the country we discover that all the county's credit has been exhausted in building roads in distant townships with a stronger pull with the commissioners. Having poor imaginations, it has rarely occurred to us that it might be otherwise.

Of late years, however, political

scientists have uncovered two facts. First, that the strength of our state political machine rests on the county organization which in turn feeds at the county court house. Many rural counties spend half a million or more a year. The officials are protected from public censure by a complicated and irrational form of government unencumbered by civil service requirements and the merit system. The half million can therefore be regarded as pure spoils. The wonder is that misappropriation of fees and other naked graft is not more common. Second, although in urban territory of any size county government is superflous and obsolete, it falls far short of its obligation and opportunities in rural and mixed territories. Mere waste of public funds, demoralizing though it be, does not arouse one until one discovers what might have been done and what may be done in the way of community advancement, public health, education, etc., had the county applied the squandered sums to beneficent purposes. The lost opportunity of the county is the correct index to its success.

County government has often enough been discribed as a headless, purposeless organization, for which no intelligible organization chart can be drawn. Recently the joint committee of the New York legislature on taxation and retrenchment in discussing retrenchment in county government asserted:

> The old system of county government has broken down entirely in our purely urban counties, and leading citizens and civic bodies in those counties are already actively urging corrective legislation. . . . The mixed counties are in a most unhappy state. In them the old county system is slowly cracking under the tremendous and rapidly growing administrative burdens created by the rapid development of these counties.

The New York legislative committee were not bookish theorists. They were practical men recording an obvious fact, namely, a developing popular conviction that our present county system is obsolete and should be scrapped.

The brightest gleam of hope comes from Baltimore county.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Developments in Toledo's Street Railway Situation.—The people of Toledo will vote, August 10, 1920, on two bond issues, totalling $7,000,000, for purchasing and constructing a transportation system. At the present date it seems improbable that any alternative plan will be submitted to vote at the same time.

It will be remembered that after the street railway company had withdrawn its cars from the city in the fall of 1919, following approval at the November election of an ouster ordinance, service was renewed upon order of the federal judge of this district. Acting upon his recommendation, council extended the date of the ouster, and authorized the appointment of a joint street railway advisory commission, one branch of which, headed by W. L. Milner, was instructed to draft a franchise based on the cost-of-service idea, while the other, led by Chairman Henry W. Ashley, was asked to prepare a plan for a municipally owned and operated system. It was intended that when both plans were completed, they would be submitted to vote at the same election, and the electors could take their choice between the two modes of settlement.

With this review of the origin of the street railway commission, I jump to the recent events leading immediately to the present situation. The Milner commission had worked hard for months on their draft of a franchise, conferring with Henry L. Doherty at every step and endeavoring to get his approval of the features they wished embodied in the ordinance. They had great difficulty in getting any concessions from him at all, whereas they, on the other hand, had conceded important points repeatedly in their anxiety to report a franchise ordinance. They finally deadlocked, however, with the main point at issue the valuation of the system. After numerous attempts at an agreement they finally agreed to disagree and all efforts to reach a settlement were stopped.

The Ashley branch of the commission, having been assured by the Ohio supreme court of the city's power to pledge its general credit for the purchase of a transportation system, prepared legislation providing for a bond issue for that purpose, and submitted it to the city council, May 24, together with a report on the results of their study.

The report referred to, sets forth the present status of the Toledo Railways & Light Company, and recites some of the history of the company's relations with the city. It then presents its reasons for recommending a municipal system. It points to the successful operation of the Toledo waterworks system, compares it with private street railway operation and concludes that if the city can operate a water system efficiently, it is capable of supplying transportation also. The report answers some of the principal arguments usually urged against city ownership, suggests application of civil service rules to employes of the transportation system and points to the possibilities for higher wages to employes than under private ownership.

While the commission does not present a definite plan for a transportation system, it recommends that in the event of the approval of the bond issues by the people, council authorize the appointment of a commission to present concrete, detailed plans and recommendations.

The ordinance originally presented proposed a vote on a single bond issue of $7,000,000 for "acquiring a transportation system." On the advice of the law director this measure was replaced by two ordinances, one of which proposed a bond issue of $3,000,000 for "acquiring" a transportation system and the other a bond issue of $4,000,000 for "constructing" a system. This change was made because it was feared that the word "acquiring" might be so construed as to limit the use of the funds to the purchase of the present system, whereas, it was desired to use them in part for construction of new lines. The plan proposed by the commission contemplates the purchase of only those parts of the present street railway as are to be left in the system, and as are in good condition, leaving the worthless portion of the property in the hands of the company. With the remainder of the funds they would buy motor buses and establish bus lines where that would seem expedient, and lay down new lines and purchase new rolling stock as the need developed.

The commission plans to make a strong campaign for approval of the two bond issues, regardless of whether an alternative measure is proposed. It is possible that the company will initiate on their own account a franchise ordinance, and submit it to popular vote at the same time.

Wendell F. Johnson.[1]

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Seattle's Street Railway Troubles.—The city of Seattle took over the ownership and operation of all of the city street car lines, except one, on April 1, 1919. Prior to that time the private company had not been making money, was facing advancing wages and costs and was agitating for an increased fare. Its effort in the latter direction was blocked by the existence of a state statute fixing the maximum fare at five cents.

When the city took over the lines the wages of the employes were increased, some new equipment was purchased and the city found the price of its supplies high and rising. The superintendent of public utilities effected some economies and endeavored to effect others, but the amount saved by these was not substantial and the end of the year 1919 found the municipal lines behind to the extent of about $500,000, if proper allowance were made for depreciation. The financial situation continued to grow worse until the municipal election, which resulted in a change of administration and a change in management of the municipal lines. Further economies were effected and an attempt was made to regulate the jitneys, but the financial situation of the system grew constantly worse until the city treasurer found it necessary to announce that he must put the street railway fund upon a warrant basis unless the fares were raised.

There had been some discussion of increased fares prior to this time, but the mayor and superintendent of public utilities had opposed any action in that direction. In the face of the growing deficit, however, the mayor assented to a six-cent fare and later to a seven-cent fare. In the meantime the efforts to regulate the jitneys had been successful and an ordinance passed which placed them largely under the control of the superintendent of public utilities. The jitney operators attempted to enjoin the enforcement of the ordinance in the federal court, but were unsuccessful. The regulations which have been recently announced require that the jitneys run upon a definite time schedule between certain termini; that they run regularly, with increased service during the peak of travel; that they follow routes along streets not traversed by street cars, and establish their downtown termini at points outside of the crowded central district. It is too early to be certain how these regulations will affect jitney competition, but it seems likely that they will very largely eliminate it.

On June 14 the city council finally passed an ordinance providing for a ten-cent cash fare, but for the sale on the cars of metal tokens at the rate of four for a quarter. The theory of the ordinance is that the regular patrons of the street car lines will pay but the six and one-fourth-cent fare, while the casual riders will pay the ten cents. The ordinance has not yet been signed by the mayor and no estimate has yet been made public as to the increased revenue which is expected to result from this change.

It should be understood that the municipal lines are expected to pay and have been paying the interest upon the $15,000,000 worth of bonds issued for the acquisition of the system and that in 1922 they will be called upon to make a payment of $833,000, in addition, upon the principal, and that that yearly payment will continue until the lines are entirely paid for.

At the mayor's suggestion the city council has made an appropriation of $10,000, which has been turned over to the mayor for the investigation of the street car purchase, to determine whether there was any fraud or misrepresentation connected with the transaction and whether the city has received all of the property which it purchased. The mayor has several times stated that it is his belief that the city was "bunkoed," and it is hoped that the investigation planned will disclose the facts. Up to the present time, however, no evidence of fraud, misrepresentation or graft has been made public by anyone.

The $15,000,000 worth of bonds issued for the lines are secured by the utility only, but are made a first lien upon it, with the result that if the lines fail to pay the interest upon the bonds, the principal payments, and maintenance and operation of the lines, the general fund will be called upon to meet the deficit in maintenance and operation. At the present time there seems to be a strong sentiment in favor of protecting the general fund against any call to meet these deficits.

Fred W. Catlett.

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[1] Secretary, Toledo Commission of Economy and Efficiency.

Milwaukee to Conduct Salary Survey.—Two years ago Milwaukee city employes were granted a flat increase of $10 per month, and last year practically all of them were granted an additional flat increase of $25 per month. This action was last year excused by the councilmen with the statement that they had not sufficient time to adjust wage increase demands in any other way. The tendency of the flat increase of course was to disarrange proper relations between positions as outlined in the J. L. Jacobs salary standardization plan of 1918.

Recently the common council directed the Milwaukee city service commission to conduct a new survey, and also provided $2,500 for the purpose. The survey will affect about 2,400 persons, and involve a payroll of approximately $5,000,000. The work will be done under the direction of Mark H. Place, secretary of the city service commission, and Harold L. Henderson, director of the citizens bureau of municipal efficiency.

It is proposed to keep intact as far as practicable the Jacobs classification in effect here for several years. It is probable that a comparative study will be made of salaries paid here and in other cities so far as these may be ascertained for positions corresponding to those classified in Milwaukee. There will be some adjustments due to changes in duties of individuals since the last preceding survey. There will also be investigations with reference to living costs and general employment conditions so far as they may bear on the situation.

The whole problem of higher positions, which has never been throughly considered in Milwaukee, will be reviewed.

An important development which may greatly affect the classification is the proposed institution of a pension system for all city employes. A pension commission is now at work and expects to have a report ready by the first of the coming year.

It may be mentioned incidentally that employes in one of the city departments are talking of presenting a demand for a 40 per cent increase in salaries.

Indirectly connected with this survey, and indicative of an improvement in conceptions of public service is the fact that the Milwaukee city board of estimate has named four of its members as a committee to investigate various departments and generally outline data for the use of the board of estimate in preparing its next budget. This committee may become permanent for the life of the present council. Efficient work by the members of the committee has been made probable because of the four year term of councilmen. There is expectation in the city hall that its work will be sincerely done with a minimum of regard for partisan political considerations, because the members of the committee will not be up for re-election for at least another four years.

The crisis to which the proposed inquiries indicated above are immediately attributable lies in the fact that the city has reached its tax limit, and is in need of additional funds. Like most other cities of the country, Milwaukee has no adequate investigating staff. The work now to be done with the aid of outside experts may result in the establishment of a permanent staff in connection with the board of estimate, to continue the studies and inquiries from year to year. Milwaukee has always had a fairly businesslike budget procedure, but usually has madc up its budget at the last moment, with the unsatisfactory results general to undertakings carried on in a hurry. This year, by gathering information months ahead of the customary date, its budget making should be more thorough.

GEO. C. NUESSE.[1]

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Three Building Zone Ordinances.—Portland, Oregon, has recently passed a zoning ordinance and the city plan commissions of Detroit and Milwaukee have drafted zoning ordinances which are before the city councils for adoption.

The Portland ordinance was the result of some 18 months of careful study and more than 150 meetings and conferences by the City Planning Commission and neighborhoods and property owners affected in all parts of Portland. It combines the principal protective features of the Alameda, Los Angeles, St. Louis and New York zone ordinances, and applies to new building permits only, existing buildings and uses not being affected, even though they fall outside the respective zones proper for them.

It covers use of property, building heights and area requirements. Under the latter, single-family dwellings are required to cover not more than 40 per cent in area of the lot at grade nor more than 30 per cent above a level more than 16 feet above grade. It was found that practically all homes in class 1 districts (those districts limited to single-family house) at present cover but from 20 to 25 per cent of the lot and that, therefore, the regulation imposed would not be onerous.

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[1] Field Secretary, Milwaukee Voters' League.

In the matter of building heights, ten-story height districts with a limit of 130 feet were established for the central down-town district only. A few buildings of 14 and 15 stories already exist in this section, but according to testimony of owners and the assessors of property, these are not profitable.

The ordinance establishes eight kinds of classes of use districts as follows: single family dwelling; any kind of dwellings; retail businesses; offices; wholesale and retail businesses; ordinary non-offensive industries and businesses; odor and smoke producing plants; public and semi-public buildings and parks, etc.; hospitals, charitable institutions. It will be subject to popular referendum at the general election next November.

The proposed Detroit ordinance likewise establishes use, height, and area restrictions. There are to be two classes of residence districts, the first to exclude multiple dwellings and apartment houses and the second to include them. Commercial, industrial and unrestricted districts are also established. Five districts are established under the height restrictions, 35 feet, 55 feet, 90 feet, 125 feet and 150 feet. In the last three, if width of street permits, additional height may be obtained up to certain limits by setting back upper stories from street lines. Restrictions as to area of lot which may be occupied by buildings vary from 90 per cent above first story in the most congested districts to 30 per cent of lot in the most restricted residential districts. No provisions of the ordinance are to be retroactive.

The zoning ordinance under consideration by the Milwaukee city council creates four use restrictions, residence, local business, commercial and light manufacturing, and industrial. Local business districts admit retail stores, the manufacture of products chiefly for sale at retail on the premises and public garages. For purposes of height restrictions the city is divided into four districts also, the maximum height in each district being 125 feet, 85 feet, 50 feet and 40 feet respectively. Area restrictions are arranged in four classes. In the most congested districts buildings cannot cover more than 90 per cent of an interior lot although 100 per cent of a corner lot may be occupied. The percentage diminishes to 40 per cent for an interior lot or 50 per cent for a corner lot in the fourth or least intensively developed districts.

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Pension System for Milwaukee City Employes.—A complete pension plan for all city employes has been formulated by Donald F. Campbell, actuary, and his assistant, John P. Dillon, and is now under consideration by the city pension commission and the advisory committees of city workers. The plan, which will probably be approved, includes old age pensions, pensions for widows and children, payments for disability whether incurred in the performance of duty or otherwise.

The total cost to employes is 4½ per cent of the salary of men and 3½ per cent for women. The public contributes 13½ per cent for policemen and firemen, because of the greater hazard they are subjected to; 9½ per cent for other male employes and 7¼ per cent for women employes. The contribution from each employe is set aside, together with the contribution from the public, as a separate fund to the credit of each individual in the city service, interest at 4 per cent being compounded. If an employe leaves or is dismissed within ten years after entering the service he is entitled either to a refund of all payments made by him with interest at 4 per cent, or he may elect to leave the fund to his credit, when it will earn interest at 3½ per cent until he reaches the age of retirement. Upon reaching the age of retirement (65 years and 57 for firemen and policemen) the employe will receive for life the annuity which can be purchased by the amount to his credit. Standard mortality tables are used to compute the amount of this annuity, which will vary from 6.6 per cent of the salary received to 75 per cent, according to time of service.

This is claimed to be one of the most scientific and complete pension plans for city employes. There is nothing haphazard or doubtful about it. A fund is set aside for each individual employe, who can always know how much is to his credit. There is no common fund from which pensions are drawn with the possibility that at some future date it may fall short. The cost to the city is estimated at $1,000,000 annually.

The report of the pension commission is to be ready for presentation to the common council by December 1, next, in time to enact its provisions into law at the next session of the state legislature. The commission was appointed under authority of a law enacted in 1919 and organized in October, 1919. Its members are John H. Manschot, president; E. W. Heller, Thomas M. Duncan, Carl Zaiser and Ald. H. O. Kent. Walter J. Mattison, assistant city attorney, is its legal adviser. Messrs. Campbell and Dillon were engaged as experts to devise the pension system. Employes in all city departments have organized and appointed advisory councils and consulting committees through which they keep in close touch with what the commission is doing and offer suggestions and advice.

J. E. Harris.

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Galveston Charter Amended.—At the election last November the candidates for commissioners of the new city party were elected by an overwhelming majority, on a platform supported by organized labor and pledged to reduce street car fares and to submit certain charter amendments providing among other things for the initiative, referendum and recall. After some delay, the new city commission made public a list of proposed amendments just one week before they were actually submitted to the voters, although it is charged that for many months they had been quietly organizing the city employes and the labor unions to support them.

The amendments, twenty-six in all, were adopted by the voters at the recent election. The recall provision applies to all elective officers. Under the charter, as it now stands, the board of commissioners is empowered to compel interchange of service by public utilities and to regulate rates and fares as well as to prescribe standards of service. Municipal ownership of public utilities is possible as well as the issuance of bonds for the purchase of same, and it is expressly provided that no bonds issued to purchase public utilities shall be a lien on anything except the utilities themselves. A number of other amendments such as the ones to authorize workmen's compensation for city employes, to regulate methods of assessment and to establish improvement districts would seem to add nothing to the powers already possessed by the commission. The three amendments which permit the commissioners to increase the salaries of city employes and to establish a two platoon system in the fire department and the eight hour shift in the police department were supported naturally by the city employes and organized labor. The people were urged to vote for all of the twenty-six proposals on the ground that they were necessary to enable the city to carry out the provisions of these three.

One amendment adopted is directed against the short ballot and makes the assessor and collector of taxes an elective officer with a term of two years.

The methods followed by the city commission in preparing the proposed amendments under conditions of strict secrecy aroused considerable suspicion and it was clearly the sections providing for the relief of city employes which carried the others.

Much of the fight centered around the Galveston Wharf Company, in which the city at present owns a one-third interest. This one-third is exempt from taxation and since the receipts from taxes on this share would be more than the dividends received by the city as a stockholder, many felt that the city would be better off if it sold out its interest. The proposal, looking towards the sale of the city's share of the property of the wharf company was therefore passed.

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Postal Salaries Increased.—One of the final acts of the recently adjourned congress was the passage of the bill increasing the pay of postal employes. For months a special congressional commission had been at work endeavoring to study and classify the men who handle and deliver the mail in the United States. The report from this commission was made only a short time prior to the close of the congress and accompanied a suggested bill to relieve the situation.

According to estimates the total increase will be $34,375,087 to be distributed among 300,000 employes. The lowest salary for clerks and carriers will be $1,400 and the highest $1,800. Railway clerks will receive from $1,600 to $2,300. Rural carriers will receive $1,800 for a route of twenty-four miles and $30 per year for each mile in excess of twenty-four.

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New Billboard Ordinance for Toledo.—Toledo has adopted a drastic billboard ordinance containing the provision of the Chicago ordinance prohibiting the erection of a billboard in a residence district unless under the written consent of the owners of a majority of the property fronting on the street. The ordinance calls attention to the increased possibility of fires and accidents caused by billboards and condemns them as affording additional protection to crime and indecency.

A similar ordinance has been sustained by the United States supreme court.

⁂

"Home Rule" for Minneapolis.—After several failures in the past to draft a home rule charter for Minneapolis which the voters would approve, another charter commission, appointed by the district court as prescribed by law, has prepared a charter for presentation to the voters at the election this autumn. At its first meeting the charter commission decided to confine its efforts to making the present charter effective as a home rule charter. The commission does not intend to construe broadly the word "effective."

Its declared proposal is to get together the charter enacted by the legislature in 1881 and all laws subsequent to that time, both special and general, which have in any way modified it. They will then be properly arranged as to content and sequence and submitted as the charter of Minneapolis. The people will then vote merely upon the question of whether they prefer the power to amend their charter by their own votes rather than by the state legislature.

Illinois Primary Act Declared Void.—The supreme court of Illinois at its June term declared void the primaries election act of 1919, and directed that the general primary election act of 1910, with later amendments made prior to 1919, remain in force. The decision was important with respect to the election machinery of the state, but of special significance to Cook county, inasmuch as its effect will be to replace the Republican county central committee for Cook county controlled by Mayor Thompson by the previous committee controlled by his political opponents.

The act of 1919 provided that a political party to be recognized as such was required to have cast at least 5 per cent of the entire vote at the preceding general election. It also withdrew from the operation of the primary election law, cities under 5,000 population, certain county and court officers and the delegates-at-large to the national political conventions. The court held that the provision of the act which authorized the county central committee of each party in counties having a city of 500,000 or more to divide the territory outside of such city into districts to be known as county committeeman's districts was void inasmuch as it conferred arbitrary discretion upon the county central committee. Certain other phrases in the act which were clear cases of bad draftmanship were construed literally and so read were held to violate the constitutional provisions regarding the freedom and equality of elections.

II. MISCELLANEOUS

The Recall in Orange, N. J.[1]—The steps in the "recall" movement now pending in Orange, New Jersey, were taken as follows: Civics, an organization interested in placing the commission government law on the statute books in this state, was, of course, interested in seeing that no politics shall be played with it, since that was the primal reason for its introduction. Three commissioners of Orange combined to play politics with this form of government. Several instances showed the tendency to be unmistakable, but the discharge of seven municipal employes, for none other than political reasons, capped the climax and aroused popular indignation to such a pitch, that Civics could not resist the pressure put upon it to put the recall under way. One of the commissioners, the mayor, not having served a year as yet, was not subject to recall. The move was therefore directed against the other two. Civics called a meeting of citizens; explained the situation and the method of procedure and then adjourned, leaving the matter in the hands of the public meeting thus called. Under the auspices of the citizens' committee on recall formed on this occasion, petitions were circulated. Under the law 1,432 signatures were necessary, which must be filed and matters allowed to take their due course. Popular indignation carried the movement up to a certain point and then waned as it usually does. The committee, anticipating this, has settled down to more deliberate procedure, which makes the present status of the movement (June 15, 1920) a "pending" one, but the indications are that the necessary number of signatures will be in hand in time to make the move coincide with the general election in the fall, thus obviating the one and chief objection, urged by the opposition at a meeting held later, of burdening the city with the expenses of a special election. Meanwhile the committee is deliberating the question whether, in view of the fact that the accused officials are evidently trying the "be good," the actual recall will be necessary at all. This feature will develop as time goes on. On the whole the agitation has been in itself eminently salutary, and the actual recall may not in the end be necessary. If it is, it will doubtless be carried forward to the end.

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[1] We are indebted for this account to one of the active participants in the recall movement in Orange.

✠

Success of Los Angeles Men's Club.—The city of Los Angeles, under the municipal playground commission through its city council, has established in the downtown business section what is called the Los Angeles men's club.

Previous to the war, when the question of eliminating the sale of liquor was settled, there seemed to be a cry made for a substitute for the saloon which was commonly known as the poor man's club. During the war the same crying need was shown, and through the efforts of civic organizations in this city, the city council of Los Angeles appropriated the necessary funds to cover altering a three story building, and to meet the necessary rental of same, located in the downtown business section where saloons had formerly held sway. This building has been rehabilitated and there has been established a seven table pool hall, a comfort station, bathing quarters where hot and cold showers may be taken, a canteen restaurant, a library and reading room with game room annex, a large gymnasium, theatre, club rooms, committee rooms and entertainment hall; also concessions where tobacco, soft drinks and shoe shining parlors are available.

During the past year this men's club has proven to be a very useful center for men who were unable to meet the cost of a club established in other sections of the city where higher prices are charged for admission, or collected as dues.

In the men's club a minimum charge is made for pool, food service in the restaurant, baths, etc., while the library, reading room and game room may be used without cost. The plan of service for the gymnasium and other club room facilities is to charge a small membership fee. For entertainments, lectures and hall rentals a standard fee of rental has been established. The theatre idea has not yet been completed, but we hope to establish an organization whose chief duty will be to promote and put on dramatic affairs that will be of interest to those who attend this center. If this does not prove satisfactory in its attractiveness and service, we have the possibility of renting this to a private individual who will establish a motion picture theatre to be censored by the playground commission in so far as type and character of pictures are concerned.

This institution is controlled and managed under the direction of municipal employes, having at its head a responsible manager. The corps of employes consist of manager, assistant caretakers, pool hall attendants, restaurant help, etc., and to date the income just about offsets all expenditures involved in the matter of maintenance and operation.

Our idea is to make the center self-supporting, and to interest those who attend to such an extent as to create a feeling of ownership; and in this way provide an opportunity for men to spend their leisure time in a wholesome environment.

C. B. Kaitt.[1]

✠

Sacramento Moves toward City-Manager Government.—A campaign for the establishment of the city-manager form of government in Sacramento, California, has reached the stage where fifteen freeholders are drafting the charter. It will be completed in time to go before the people at the fall election and, if approved by the people, will be ratified by the state legislature in January, 1920, becoming effective on July 1, 1921. Widespread dissatisfaction with the commission form of government which has been in effect in Sacramento for the past eight years led to the city-manager campaign. The defects in the commission form in Sacramento are along the same line as those noted in many other commission-governed cities—divided responsibility, election of amateurs to offices which should be filled by professionally trained men, and consequent extravagance and inefficiency. H. S. Maddox, general secretary of the chamber of commerce, was the first to urge the manager plan for Sacramento. Upon returning from a tour of investigation he announced that a change in form of government was the most important problem facing Sacramento. Business men's, women's and labor organizations united in the campaign for election of the freeholders, and there was no opposition. L. C. Hunter, manager of one of the city's leading mercantile institutions, is chairman of the board. The board has tentatively decided upon the following important points: A small legislative body, elected at large; a short charter and free hand for the city manager in the matter of appointments.

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[1] Superintendent, Play ground Department, City of Los Angeles.

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Census Returns continue to be messages of joy or sorrow as the case may be. The Mayor of New York has ordered a police canvass to disprove the government's charge that there are not quite six million inhabitants of the city. Chicago, the second city, is quite content with 2,700,000 and Philadelphia is reconciled to continue in third place with 1,800,000. Detroit lands jubilantly in fourth place with 993,000, to the keen distress of Cleveland which is forced to take fifth place with 790,000. The Boston chamber of commerce calls a meeting to protest Boston's relegation to seventh place with 747,000 and the 773,000 residents of St. Louis mourn a drop from fourth to sixth place in the national batting average. In Los Angeles the census bureau has escaped criticism by allowing her 575,480 residents which makes her the largest city west of St. Louis.

The census bureau deserves our sympathies. There is no way by which it can compromise its difficulties.

Newark Zoning Ordinance Functions.—A determined effort has just been made to repeal the Newark zoning ordinance which excludes residences from the heavy industrial district. This district includes the meadows, which for sanitary reasons are considered unfit for homes. The real estate board, an improvement society and a firm which proposed to build houses on the meadows for its employes, protested that no one was able to tell but that at some future date this region might be suitable for dwellings but the proposal to amend the ordinance was defeated. This is another case in which a city plan has worked for the health and decency of the city.

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Portland Prize Award.—The Portland prize, offered by the NATIONAL MUNICIPAL LEAGUE, for the year 1920 has been awarded to Mr. Herman Kehrli of Reed College for a paper on "Milk Inspection and Distribution in Portland." The judges were Mr. M. M. Matthiessen, and the Reverend William G. Eliot, Jr., both of Portland.

Competition for the prize is limited to students of Reed College, and was made possible through the generosity of public-spirited men of Portland, who in 1914 established a fund, the income of which goes each year to the winner.

*

A curious survival was recently disclosed through a bill introduced in congress to abolish the contract returns office established at the time of the Civil War to guard against fraud and corruption in connection with war contracts. Under the law it was necessary to file in this office a copy of every contract let by the war, navy and interior departments. In introducing the bill, Senator Smoot declared that the office is entirely non-essential.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON G. OTIS

The first installment of this series was published in the May issue of the National Municipal Review. The first two chapters were entitled: "Dixie, Birthplace of the City Manager Idea," and "City Managers in and around Ohio."

The fourth chapter, which will appear in the September Review, is entitled: "Texas and Oklahoma Turn to Manager Plan." ::

III. MICHIGAN MANAGER MUNICIPALITIES

THE state of Michigan is given a chapter all by itself in this series, because of its importance to the growth of the manager movement. There are now twenty-five Michigan cities and villages operating under the manager plan. Twenty-four of these have commission-manager charters and the other one has the old type commission charter but has created the position of manager by ordinance.

Grand Rapids Gives "City Show"

GRAND RAPIDS. Population, 137,634. Commission-manager charter effective March, 1917. Fred H. Locke, the second manager, succeeded Gaylord C. Cummin, May, 1918; salary $5,000.

Under the new plan the city departments and methods have been so systematized that improvement schedules are carried on with clocklike precision. Last year approximately $450,000 was spent in street work and the streets opened for traffic prior to November 1. Before the close of 1919 all plans had been completed and contracts written to let April 1, 1920, so that the greatest results may be achieved with the least waste of time.

A complete survey of the entire sidewalk system has been made and every walk in need of repairs or replacements listed, the property owners notified to make the necessary improvements. Under this plan, 50 per cent of the bad walks have been eliminated and in 1920 there will be first class sidewalks throughout the city.

As to public safety and welfare Mr. Locke reports:

> We have greatly increased our fire limits and have eliminated the use of all wood shingles outside the fire district, except quarter sawed shingles.
>
> We have instituted in our fire department the double platoon system, firemen now working in shifts, 24 hours on and 24 hours off. The men are required to give one day in every week to fire inspection work. This has greatly added to the efficiency in this line of work.
>
> We have placed in operation a complete model of a sewage disposal experimental plant, and the results we are attaining are very gratifying and will undoubtedly be the basis used in the construction of a sewage disposal plant to care for the sewage of this city to be built at some future time.
>
> The city has bonded for a $400,000 tuberculosis hospital. We have also completed a new isolation hospital costing approximately $40,000.
>
> We have greatly increased our school dental work and school medical inspection work. We have established a social service system, which provides adequate care for all families requiring aid, and in reconstructing these families, placing them on a self-supporting basis as far as possible.

We have added two new bath houses and swimming pools and have made considerable progress in the development of our park system.

In January, 1920, a large and popular exhibit, called the "city show" attracted widespread attention and gave the citizens a chance to become better acquainted with the work of the various municipal departments.

Mr. Locke is forty-four years old, trained as a business executive and was director of public service at Grand Rapids prior to his appointment as city manager.

Increased Intimacy Between City and Citizens

Kalamazoo. Population, 48,858. Commission-manager charter with proportional representation effective January, 1918. Harry H. Freeman, manager; salary $6,000.

The most conspicuous change brought about by the new plan of government has been the increased intimacy between the citizens and their government. Typical of the methods employed to bring about this co-operative spirit are:

Municipal exhibit attended by over ten thousand people;

Co-operation with the chamber of commerce and Y. W. C. A. in a series of concerts and community sings;

Co-operation with chamber of commerce in cleanup campaign, over four hundred loads of rubbish being removed by the city;

Co-operation with chamber of commerce and other organizations in conducting "safety first" campaigns;

Selling of six thousand dollars worth of government surplus food at cost;

Selling of coal at cost in ton lots from city fuel yard to amount of $30,000;

Establishment in health department of clinic for venereal diseases and employment of full time city physician;

Uniting nursing service of private organizations with city forces under direction of health officer;

Adding of over thirty acres to city's park and playground system, seventeen acres being given by Mayor William Upjohn;

Municipal bulletin describing city's work published frequently and distributed to every home in this city;

Attractive annual report full of pictures and comparisons published. Twelve thousand copies distributed to citizens;

The material gains were no less striking than those in confidence and welfare;

More sewer connections were made during 1919 than during any previous year in the city's history;

The water supply was increased by sinking of five new wells at a cost of over $25,000. A big saving was made when the water department changed from steam to electric power;

Motor pickup sweeper added to street cleaning equipment;

Motorization of fire department continued by addition of $30,000 motor apparatus. Fire alarm system overhauled and twenty new alarm boxes added.

Nor is the Kalamazoo administration lacking in financial showing:

Assessed valuation increased during the year over $2,000,000 by equalizing values. Property to the extent of $82,500 which had wholly or partially escaped taxation was placed upon the tax roll. By strict economy and following a budget system expenditures were reduced $40,000 under budget estimate. The city sinking funds, formerly neglected, received $29,000 during the year to apply on deficit, making a total of $47,000 "salted down" since the new plan was adopted and leaving a net deficit of but $35,000 which will be cleared up early in 1920.

A stores system has been installed and all purchasing centralized.

Fire insurance rates revised by Michigan Inspection Bureau, because of improvements made. This will yield a saving of over $100,000 annually in reduced insurance premiums.

An attack has been made upon the Kalamazoo charter by a local politician who was defeated for election to the city commission. As a result of this attack the circuit court has declared the proportional representation feature of the Kalamazoo charter unconstitutional. This decision has been appealed to the Michigan superior court and the case has not yet been heard.

Mr. Freeman is twenty-nine years old, trained in municipal research and community organization.

Restaurants Graded upon Cleanliness

Jackson. Population, 48,374. Commission-manager charter effective January, 1915. A. W. D. Hall, the third manager, was appointed May, 1917; salary $4,000.

The finances of Jackson have been reduced to a sound business basis. During the war an operating deficit was created which will be liquidated by spreading it over the budgets for the next three years. The confidence of the citizens is shown in the fact that they recently voted $521,000 in bonds for public improvements. A scientific topographical survey of the entire city and adjacent territory has been made and improvements are planned with a view to the growth of the city for the next fifty years.

Jackson's government is deeply interested in the human factor. A public health nurse calls upon every new born child regardless of the wealth or standing of the parents. A prenatal clinic has been in operation for three years and a decided decrease in the death rate of infants has resulted. There are also public clinics as follows: pre-school age, dental, tonsils and adenoids, ear and eye, tuberculosis, venereal diseases, and general medical.

A unique method of controlling the purity of food served in public places is the rating of restaurants upon their cleanliness and general sanitation. The percentage is posted in a conspicuous place for all to see.

Mr. Hall is forty-seven years old, a civil engineer, and served as city engineer at Jackson prior to his appointment as manager.

New Methods Adopted at Muskegon

Muskegon. Population 36,570. Commission-manager charter effective January, 1920. I. R. Ellison, manager; salary $4,250.

Muskegon adopted its new charter by a majority of five to one.

Mr. Ellison reports:

> Since the first of January this year the following steps have been taken by the city in its organization:
>
> Made an inventory—the last inventory being made in 1896;
>
> Set up capital account on the books, which had never been done before;
>
> Established new bookkeeping system;
>
> Made survey of insurance on all city property;
>
> Created department of public welfare;
>
> Had all fees turned into the city treasury;
>
> Stopped payment of war tax, which is not required of cities;
>
> City offices to remain open during noon hour—more convenient for working people;
>
> Established purchasing agent and receiving clerk—eliminating thirteen so-called purchasing agents;
>
> Appointed full time health officer and completed organization of department of health;
>
> Established part time venereal clinic;
>
> Addition to city water works of about $100,000;
>
> Created inspection department covering weights and measures and testing gas, etc.;
>
> Created department of public works, the city

to do all of its own construction work, building of pavements, sewers, etc.;

Created department of engineering with complete organization;

Gave firemen every fourth day off;

Let contract with firm of Hoad & Decker to create a sewer plan for a city of two hundred thousand. Also a contract with Hoad & Decker to create a water works plan for city of two hundred thousand;

A local organization has employed an expert planner to incorporate all utilities into a general plan;

Established eight hour working system for all city employes;

We have a bonded indebtedness of about $1,503,200. The assessed valuation of the city at the present time is $26,213,180. The rate of taxes is $35.76 per thousand whereas the assessed valuation of this city with the adjustment now being made will place it at a valuation of nearly $50,000,000.

Mr. Ellison is thirty-seven years old, a civil and electrical engineer, and served successively as superintendent at Eaton Rapids and city manager at Grand Haven, Michigan, prior to his promotion to Muskegon.

More Economy and Service

Sault Ste. Marie. Population, 14,500. Commission-manager charter effective December, 1917. Wilder R. Rich, the second manager, succeeded J. H. Moore August, 1918; and has just resigned to accept the position of manager at Goldsboro, North Carolina at an increased salary. Henry Sherman follows him; salary $3,400.

During the second year under the new plan the city saved $26,677. This added to the $15,000 saved the first year makes a total of nearly $67,000 debt reduction in two years.

The new water ordinance and increased operating efficiency in the water department yielded a net surplus of more than $16,000 last year.

The city is conducting a municipal entertainment and lecture course during the winter of 1919–20, thereby bringing to the people at actual cost the best talent available. The city has also taken over the band and during the year conducts a series of free band concerts.

Mr. Rich is thirty-five years old, a graduate of the University of Michigan in civil engineering. He served as city engineer at Sault Ste. Marie prior to his appointment as manager.

Means Improvement and Saving

Alpena. Population, 11,101. Commission-manager charter effective April, 1916. Walter E. Baumgardner, the third manager, succeeded Charles T. Park, June, 1920; salary $4,000.

Owing to labor shortage improvements have been curtailed as much as possible during the past year. Nevertheless, the city constructed 7,550 square yards of cement paving, 1,425 feet of sewer and 19,850 square feet of cement sidewalk. Four miles of gravel streets were graded and repaired.

Alpena has gone over the top in every war drive, and has raised by voluntary subscriptions over $80,000 for a memorial auditorium and armory.

After nearly three years under the new plan, business men write;

"Commission-manager form of government is a great success here."

"It has been a big improvement and saving to the city."

Mr. Baumgardner is a civil engineer, and served two years as city manager at Albion, Michigan prior to his appointment at Alpena.

Community Recreation at Cadillac

Cadillac. Population, 9,734. Commission-manager charter effective March, 1914. George Johnston, the third manager, was appointed January, 1918; salary $2,200.

The general program of improvement entered upon when Cadillac adopted the manager plan has steadily developed. Last year the city constructed 23,000 square yards of brick pavement, 4,400 lineal feet curbs and gutters, and 3,600 feet of sewers. A reinforced concrete bridge was built over the canal connecting Lake Cadillac and Lake Mitchell and eight acres of park lands cleared on the north side of Lake Cadillac. A large tool shed for city equipment has been built.

All work is done by the city on the day labor plan, which has proved highly satisfactory.

Cadillac is enthusiastic over community recreation and the city provides skating rinks, conducts a boating club and otherwise looks after the "good times" of its citizens.

Mr. Johnston is forty-nine years old and was promoted to the city managership from the city clerk's office.

Six Years and "All's Well"

Manistee. Population, 9,690. Commission-manager charter effective May, 1914. P. H. Beauvais, the second manager, succeeded Charles Ruger May, 1918; salary, $4,000.

The termination of the sixth year of commission-manager government in Manistee finds a satisfied community and perfect harmony among the officials and department heads. Modern paving equipment was purchased during the year and 81,000 square yards of paved streets resurfaced. Water mains were also extended and the budget increase was only 10 per cent over one year ago.

Manistee's first electrical ordinance has been passed and enforced and a modern building code is now being drafted. Great stress has been laid upon matters of health and welfare. The board of health has been reorganized and the salary of the health officer made sufficient to procure active service. A public health nurse has been provided for and the city has co-operated with the state in its war upon venereal diseases. During the recent influenza epidemic out of nearly one thousand cases there were no fatalities.

Mr. Beauvais is thirty-one years old and a civil engineer.

Better Financial Condition

Albion. Population, 8,354. Commission-manager charter effective 1916. Walter E. Baumgardner, the third manager, was appointed May, 1918, and has recently resigned to accept the managership at Alpena, Michigan.

During the past year public improvements were hampered by post-war conditions. A new grade school was constructed, and a library is now being built.

The wage rate increased from 25 to 40 cents an hour for common labor, but in spite of this fact, the city is in better condition financially than it has been in years, and purchased $10,000 of Liberty Bonds.

"Best Men" Willing to Serve City

Alma. Population, 7,542. Commission-manager charter effective May 1, 1919. W. E. Reynolds, manager; salary $4,500.

Mr. Reynolds reports that the new charter has so appealed to the citizens that the best business men in town have consented to serve on the commission. "Party politics are apparently forgotten and the feeling of all seems to be to push for Alma."

Within thirty days from the time the new plan became effective, the city was provided with a 5,000,000 gallon water supply. This meant the connecting up of fourteen wells, installation of three pumps, the purchase and placing of an engine connecting up the three motors and in general assembling and adjusting the various units making up the entire system.

This work was done with such rapidity and success that the manager was instructed to proceed with other improvements instead of letting the work by contract as had previously been the custom. In competition with a contractor the city forces saved $600 per month and produced better sidewalks. Four blocks of paving were laid and sewers extended. A complete set of maps of the water and sewer system were drafted and $80,000 worth of sewer work started.

After four months of operation, the new water works showed a saving of $414 per month over the old system.

Public reading rooms, rest rooms and comfort stations have been provided.

The Detroit bureau of governmental research has been retained to install a complete cost and accounting system for the city.

Mr. Reynolds is thirty-six years old, a civil engineer, and experienced in public works.

People Are Behind Government

GRAND HAVEN. Population, 7,224. Manager plan provided by charter April, 1915. This charter has recently been amended to conform to the standard commission-manager type. I. R. Ellison, the second manager, was appointed April, 1916, and resigned January, 1920, to accept the appointment at Muskegon. Paul R. Taylor, the third manager was appointed in July, 1920; salary $3,500.

The fire department and police department were combined under one head at a financial saving. Fire equipment has been motorized, and other changes made so as to reduce insurance classification of the city from class 3½ to class 3. This saves approximately $20,000 a year in insurance rates to the citizens.

A full time city nurse and a police matron have been employed, and a municipal hospital equipped.

The operating cost of the electric power plant was increased $18,000 by war costs. In spite of this, the plant yielded a net profit of $8,380 after allowing depreciation of $8,614. Thus under normal conditions the plant would have earned over $26,000, or a return of 20 per cent on the investment.

The water plant shows a net earning of $667 after allowing $4,533 for depreciation. The excess cost of operation approximates $1,000.

Tax rates of Grand Haven are as follows:

1915–1916	$10.67 per $1,000
1916–1917	9.62 per $1,000
1917–1918	9.42 per $1,000
1918–1919	9.30 per $1,000

Mayor W. H. Loutit writes:

> "The city-manager plan of government in Grand Haven is working out very nicely. The amendments to our charter, which were proposed by the commission, have been passed by a large majority. This tends to show, I think, that the people are behind the city government."

Didn't Borrow for First Time in History

CRYSTAL FALLS. Population, 7,000. Commission-manager charter effective April, 1918. J. H. Sanders, manager; salary $3,000. The manager sums up the events of the past year as follows:

> A movement started by a few disgruntled politicians to recall the mayor in order to get the manager. Commission held special meeting to inform manager that the commission was back of him. Movement fell through, couldn't get signers.

Went through the year without borrowing any money in anticipation of taxes. First time in history of the city this was done.

Built 2,530 feet of good macadam road at an average width of 32 feet and at an average cost of $1.00 per yard.

Installed 600 feet of 6-inch water main.

Filled or cut 4,730 feet x 6 feet wide for sidewalk grades.

Had property owners build 2,653 feet of sidewalk 5 feet 4 inches wide.

Built 1,576 feet of 8 inch sewer in Maple Grove at an average depth of 10 feet with three manholes and 1 flush tank.

Bought and paid for a 3½ ton Packard truck.

Retired $5,000 worth of bonds.

Business men in general approved work of administration stating that at last affairs of the city were handled in a business way.

Mr. Sanders is forty-five years old and served as superintendent of the water and light department at Crystal Falls prior to his appointment as city manager.

Twice as Much for the Money

PETOSKEY. Population, 5,064. Commission-manager charter effective April, 1916. J. Frank Quinn, the fourth manager, was appointed January, 1920. He holds the dual position of city manager and secretary of the chamber of commerce; combined salary $5,000.

A recent letter from a prominent business man states: "We have had the city manager plan in effect in this city for the past four years and it has proved very effective and satisfactory. We believe that our city gets twice as much for its money as it did under the old system and we believe that if the matter should come up for vote regarding whether or not we should go back to the old system, 90 per cent of our citizens would vote for the present plan."

Regarding the combination of the offices, Mr. Quinn writes: "The combining of the offices of city manager and chamber of commerce secretary permits of a salary more inviting than could be possible in either single position. This makes for wider choice in selection of executives. All too frequently, the writer believes, uncalled for and unreasonable friction exists between city officials and chamber of commerce bodies. In Petoskey this cannot be, as all city councilmen are chamber of commerce members, and four of the five councilmen, including the mayor are on the chamber directorate."

Mr. Quinn has had a successful business career and is experienced in the chamber of commerce secretaryship.

Almost Too Well Satisfied

ROYAL OAK. Population, 6,000. Commission-manager charter effective May, 1918. George E. Weitzel, the second manager, was appointed October, 1918; salary $3,000.

Matters are going so much to the satisfaction of the citizens under the new plan that the recommendations of the council are approved with practically no opposition. As an example, a $45,000 water works extension bond issue was passed May 3. Out of a possible 1,200 voters but 600 registered. Only eighty-three voted on this bond election and of this number but six were women.

Mr. Weitzel is fifty years old, a business executive, and served as superintendent of public works at Royal Oaks prior to his appointment.

Opposers Become Boosters

THREE RIVERS. Population, 5,209. Commission-manager charter effective April, 1918. O. O. Johnson, manager; salary $1,800.

The best proof of the success of the manager plan at Three Rivers is to be found in the fact that those who fought the plan the hardest at first have now become its "greatest boosters." The city does most of its own work and marked savings have been made.

Last year over a mile of 40 feet concrete paving was constructed, another mile is to be built this year, and petitions are on file for two miles more. Extensions and improvements of the water and light system are now made by the city instead of by contractors. To quote the manager: "This one point alone seems to have quite a soothing effect upon the general public."

Mr. Johnson is thirty-three years old. He is experienced in construction and operation of power plants.

Larger Commission Desirable

Big Rapids. Population, 5,100. Commission-manager charter effective April, 1914. Dan H. Vincent, the fourth manager, was appointed May, 1917; salary $1,200.

The public improvements made are of a permanent nature, while under the old form of government "it was a load of gravel here and there, and the next year the same thing over again."

The Big Rapids charter calls for but three members on the commission. The manager writes: "I am satisfied the form is all right but would rather see five men instead of three."

Mr. Vincent is fifty years old, had previous experience in public office before his appointment as city manager.

Village Run Like Successful Factory

Birmingham. Population, 3,694. Commission-manager charter effective April, 1918. Maurice Lowman, the second manager, was appointed March, 1919; salary $3,600.

The manager reports:

> The commission-manager form of government in Birmingham is a great success, in fact, I would venture to say if it were to come to a vote to-day there would be no opposition whatever.
>
> It has put the work of the village on a complete business basis, such as a successful factory is operated on, with every department completely organized and run on co-operative plans, with all departments satisfied and doing their work well. The commission-manager form of government has entirely set aside all politics, favors and prejudices.
>
> The amount of improvement for 1919 totals as much as was done in two years previous. Sanitary sewers, storm sewers, and pavements have been constructed.

Mr. Lowman is thirty-six years old, an engineer and superintendent of construction.

Commercial Club Endorsement

Lapeer. Population, $4,500. Commission-manager charter effective May, 1919. Ray S. Blinn served as manager until November, 1919. His successor, Charles Hubbard, was appointed April, 1920; salary $2,000.

Last summer the Lapeer *Commercial Club Chronicle* in a comment upon the manager plan states: "Lapeer has taken a new stride and is now one of the most enthusiastic of the smaller cities in promoting good government. Not only have the taxes not been raised but far-reaching improvements are under way that will put her in the class of the most progressive cities."

Mr. Blinn is forty-eight years old, a civil engineer, and served as city manager at Westerville, Ohio, from 1916 to 1917. Mr. Hubbard is experienced in the construction of public works.

Some "Kickers on Expense"

St. Johns. Population, 4,035. Commission-manager charter effective August, 1918. Theodore H. Townsend, the second manager, was appointed July, 1918; salary $3,000.

Mr. Townsend writes that the new plan is popular with a large majority of the citizens. He advises that there are some "kickers on expense" who overlook the fact that the cost of labor and materials have doubled and that service has been increased.

Mr. Townsend was previous county school commissioner and served on the city commission before succeeding A. D. Smith as city manager.

Good Job of "House Cleaning"

Otsego. Population, 4,000. Commission-manager charter effective May, 1918. Gerard Alan Abbott, the second manager, was appointed March, 1919, and resigned December, 1919; salary $3,000.

Among the achievements reported in the annual statement of the city manager are:

> Passage and enforcement of ordinance to provide pure milk;
>
> Removal of all signs, posters, bills, and other advertising matter from poles, posts and other city property;
>
> Establishment of official bulletin board for legal, fraternal, religious and other public announcements;
>
> Erection of artistic street signs and "silent policemen";
>
> Painting of bridges, pumping station and road fences;
>
> Cindering of streets;
>
> Provision of new rubbish cans at convenient corners;
>
> Increase of water supply by addition of six new wells.

Mr. Abbott previously served as village superintendent at Grosse Pointe Shores and manager at Birmingham, two Michigan villages. He resigned the Otsego position to accept the managership at Sanford, Florida. His successor has not been announced.

Commission City Adds Manager

Eaton Rapids. Population, 3,000. Position of city superintendent created by ordinance October, 1913, changed to "city manager" March, 1918. O. S. Yager, the third appointee, took office March, 1918. He was succeeded March, 1920, by P. T. Mitchell; salary $2,500.

Eaton Rapids' charter is of the standard commission type providing for a mayor and two commissioners. They have delegated their administrative duties to the city manager.

For the past two years the city has operated a privately owned water plant on a rental basis and in the words of Mr. Yager has made "some financial showing." Municipal ownership of the plant is now under discussion.

The fire equipment is being motorized.

After seven years of the manager plan, Eaton Rapids seems well satisfied.

Mr. Yager is thirty-eight years old, an electrical and mechanical engineer, and experienced in public utilities.

"No Passing the Buck"

Portland. Population, 2,747. Commission-manager charter effective January, 1919. F. L. Jenkins manager; salary $1,800.

A local newspaper in commenting upon the plan states: "The big thing about the first year's experience is that it has demonstrated that three men carefully chosen can administer municipal affairs more expeditiously and more wisely than the average village council of the past. There is 'no passing the buck.' In village government to-day every man knows what is expected of him from the members of the commission themselves to the lowest salaried employe. Even trivial things are given personal attention exactly as would be necessary in private business."

During the year the city completed the construction of a concrete dam and liquidated part of the bonds floated to cover its cost. The balance in the water fund has been increased in spite of the fact that the water mains have been greatly extended and one hundred meters installed. The highway funds show a balance of $600, and the streets, in the words of a local paper "were never in better condition than at present." The tax rate last year was 12½ mills. It is hoped that this may be reduced to 12 mills this year.

Mr. Jenkins is thirty years old, and trained in the managing of public utilities.

Water Rates Reduced One-Third

Grosse Pointe Shores. Population, 1,200. Village incorporated under commission-manager charter June, 1916. H. M. Kennedy, the second manager, was appointed April, 1918. His salary plus commissions for collecting taxes amounts to some $4,200.

Grosse Pointe Shores is a wealthy residential suburb of Detroit and enjoys so many of the advantages usually found only in a very large city that there is little to work upon so far as bettering the physical conditions of the village are concerned. Efficient operation has increased the profits of the water department and consequently the rates charged consumers have been reduced 33⅓ per cent.

Bonds to the amount of $25,000 were issued for the purpose of constructing 253 feet of sea wall on the lake shore in front of the village hall, incidentally reclaiming some three acres of land from Lake St. Clair which will be used as a village park. Additional bathing houses have been constructed at the municipal bathing beach. Dental clinics have been established in the public schools.

The tax rate remains the same as heretofore and total expenditures for the year fall some 12 per cent below budget estimates and "every one seems to be entirely satisfied as to the form of government."

Mr. Kennedy is forty-one years old and a business executive.

Plymouth. Population, 2,500. Commission-manager charter adopted December 17, 1917. Sidney D. Strong, former city engineer at Sault Ste. Marie, succeeded D. G. Brown as city manager June, 1920; salary $3,000.

Marysville. A village manager charter is said to be in operation, with E. F. Clement, as manager.

CHANGES IN THE CITY MANAGER FIELD

Several changes have taken place in the city manager field since the publication of the tabulated data in the April, 1920, National Municipal Review. Such additions and alterations as have come to the attention of the City Managers' Association are here presented.

The total number of towns and cities operating under or pledged to some variety of the manager plan in this country, now stands at 180 with 4 additional towns in Canada. Of the 180, 115 have standard commission-manager charters; 9 have adopted a modified manager plan by charter; and 56 others are in this "near-manager" class, having passed ordinances creating the office of manager, or so designating some position already existing. Including the promotions mentioned below, there have been thirty-four cases of transfer of managers from one city to another.

ADDITIONS

The five additions to the list are Plymouth, Michigan; West Liberty, Iowa; Chadron, Nebraska; and Duncan and Erick, Oklahoma.

Plymouth is a village suburb of Detroit, and adopted a commission-manager charter in December, 1917. Sidney D. Strong has just been appointed the second village manager, succeeding D. Gilbert Brown; salary $3,000.

West Liberty, Iowa, has taken advantage of the state law and provided for the position of manager by ordinance. C. J. Mackey is manager. The population is about 1,800.

Chadron, Nebraska, population 5,000, created the position of manager by ordinance in April, 1920, and appointed as manager, J. H. Rayburn at a salary of $5,000. Mr. Rayburn previously served as secretary of the chamber of commerce at Scottsbluff, Nebraska.

Duncan, Oklahoma, with a population of some 3,000 has adopted a commission-manager charter, which places the salary of city manager at a minimum of $3,000. No appointment has yet been announced.

Erick, Oklahoma, has employed as manager, J. A. Richardson, who previously served for some six years as city clerk.

Staunton, Virginia, has advanced from the ordinance class to the commission-manager plan by virtue of an election held in May. Twelve years with a general manager appointed by the old bicameral council, proved the value of the former and the cumbersomeness of the latter branch of government.

SUBTRACTIONS

San Anselmo, California, may temporarily be dropped from the list, as the position of manager is now vacant, and the present council is opposed to the manager plan, as previously in force under ordinance provisions.

Tarboro, North Carolina, has discontinued its "near-manager" plan; in fact, the experiment was given up in January, 1919.

Salinas, California, should be transferred to the tentative list as its new charter provides that the commission may appoint a manager if it so desires, but does not make such a position obligatory.

Two other charters recently adopted are in this same hybrid group, namely, Ponca City, Oklahoma and Wichita Falls, Texas.

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

The next annual meeting of the National Municipal League will be held at Indianapolis November 17–19. The program is now being prepared. It is planned to continue as part of the program the discussion of a model state constitution in connection with the report of our committee on state government.

II

The so-called metropolitan area is a puzzling problem both in theory and practice. Where the area involved is closely built up urban territory it can be solved by simple consolidation of the several political units and by the elimination of the country entirely. But what shall be done with outlying area partly urban and partly rural to which no existing form of local government seems perfectly adapted?

Special municipal districts, often formed for the purpose of taking some special activity "out of politics," have proved an unmixed curse. They hang on with surprising vitality in the face of consolidation movements. In Seattle lately one local board after another has gone on record in protest against the amalgamation of all into a single unit.

Where the question involves the annexation of contiguous territory it is clear that the greater New York experience should not be duplicated. For example, they are discussing in Cleveland a proposal to annex the twelve adjoining corporations by making each one a separate borough with limited home rule while affairs of general concern will be administered by the government of greater Cleveland. The scheme is a siren call to the reluctant suburbs. The obvious and damning objection is the increased complexity of local government. London had the same problem and tried to solve it through the London county council with a measure of autonomy to the historical boroughs. But local official pride is still able on occasion to throw the monkey-wrench into the gears. And there is growing discontent in New York with a too involved government which not even one-tenth of 1 per cent of the citizens understand.

III

County government has been indicted on a new count. In a report entitled "Lynching—One Evil of the Small County Government" Mr. W. E. Wimpy, a native of Georgia, charges that the "little-bitty," weak governments of southern counties do not and cannot prevent lawlessness.

There are 154 counties in Georgia with an average population of 16,942. During the past ten years there have been 135 lynchings, all occurring in the smaller counties, those with "family governments."

The popularly elected sheriff is the only police officer. No indictment can be had except through the officials of the county in which the crime is committed. State oversight is lacking. The number of voters who come to the polls at a small county election is said to be pitifully small. Elected officers have no prestige and the standards of official efficiency are painfully low.

During the last session of congress the house judiciary committee reported favorably a bill which would punish would-be lynchers and extend the aid of the federal court to the victim on the ground that he was being denied the equal protection of the laws.

The pliable holders of tiny county offices deserve our sympathy. They are trying to maintain an institution which no one honors. Respect for law and order suffers accordingly. The solution proposed in the report above is the creation of large counties, able to maintain a respectable organization; but most people will object that it is not so simple as that.

Here is additional evidence that in directing attention to the unexplored county the National Municipal League is on the right track. Our committee on county government is close to the heart of the country life problem.

IV

With this issue Mr. R. M. Goodrich, the legal member of the staff of the Detroit Bureau of Governmental Research, becomes editor of our judicial decisions department, succeeding Mr. R. M. Tracy who served so long and so well in that capacity.

V

The National Municipal League has sustained an irreparable loss in the death of Mr. Otto Kirchner of Detroit on July 21. Mr. Kirchner was a vice-president of the League and a distinguished patron of civic progress in all lines. He was one of the founders of the Detroit Bureau of Governmental Research and president of that organization from the beginning. He believed in organized civic endeavor and gave bountifully of his time in making the work of civic agencies effective and direct. His broad interests covered the field of jurisprudence, art, philanthropy and government. His counsel and help will be sadly missed.

H. W. Dodds.

IRELAND AGAIN

THE SECOND P. R. ELECTIONS

BY GEORGE H. HALLETT, JR.
Assistant Secretary, American Proportional Representation League

Dr. Hallett, who has been in Ireland observing the second P. R. elections, tells how proportional representation works in a desperate situation. :: :: :: :: :: :: :: :: :: ::

The Hare system has just received a test more severe than any in its previous history. In the latter part of May and the early part of June all the county councils, rural district councils, and boards of guardians in Ireland were renewed and the Hare system was used wherever there was a contest. There was not a single area in Ireland which did not participate in at least one of the elections. This is the second time that Ireland has used the Hare system on a nation-wide scale. On January 15 last all the cities and more important towns in Ireland elected their councils by the Hare system with a success that was heralded by spokesmen of all parties.

NOT A HITCH

Once again has the entire practicability of the Hare system been vindicated under difficult circumstances. On June 7 Mr. Drury of the local government board told me that the counting of the votes had been carried out without a hitch in the most remote rural districts of Ireland and that in his opinion no one need henceforth hesitate to adopt P. R. on account of the supposed difficulty of its operation. Up to that time all the returns had been made in the proper form and he had not received a single evidence of difficulty in applying the Hare rules when the ballots were counted.

MODELS OF EFFICIENCY

I had the privilege of witnessing, with Mr. Humphreys of the English P. R. Society, the entire count in two Ulster elections, the election of guardians in the Cromac area of Belfast and the election of county councillors in the Carrickfergus area of County Antrim. In the former, conducted under the supervision of Mr. Meyer, Belfast's town clerk, every operation had been provided for in the minutest detail and the corps of trained assistants worked together like clockwork in counting the 5,890 ballots. Mr. Meyer told me, what was evidently true, that the arrangements made would have been quite adequate for a Parliamentary election under the Hare system for the whole city of Belfast, and that he should not hestitate to undertake a Hare election with half a million or more votes. Mr. Miller, the secretary of the Antrim county council, showed how a Hare election could be conducted satisfactorily with the minimum of expense and elaboration. I witnessed both counts on the same day and still had time for a climb to the top of Cave Hill before dark.

POLITICAL RESULTS

The complete returns for all Ireland have not been compiled at this writing, but the general results of the elections are quite clear.

Sinn Fein is in complete control of Leinster, Munster, Connaught, and the three counties of Ulster which have been grouped with "Southern Ireland" in the Home Rule Bill. In spite of P. R. Sinn Fein has undoubtedly secured somewhat more than its share of representation for the simple reason that in many places the minorities did not put up a fight. In a great many areas Sinn Fein was unopposed and in many others the opposition polled much less than its full vote. The usual lack of interest in Poor Law elections was a contributory cause in many cases. Another cause was the feeling that the Sinn Fein majority should be made to take undivided responsibility. But the chief reason seems to be that in the present tense situation few people outside northeast Ulster care to risk the odium of opposing the Sinn Fein candidates. There are many charges of actual intimidation and under the circumstances it would be surprising if some of the charges were not true, although it seems almost equally certain that the general policy of the Sinn Fein organization was against such intimidation.

SINN FEIN POLICE

Probably what contributed as much as anything else to the impression that the elections were not free was the fact that many of the elections were carried out under the authority of the Irish Republic. *The Irish Independent* of June 7 reports:

> Throughout the south, west, and midlands, volunteers, in the absence of police, undertook the task of keeping order at the polling booths, and all reports agree that the utmost good order was observed. The volunteers also guarded the ballot boxes.

SOUTHERN MINORITIES

Although the Republican majority is undoubtedly somewhat over-represented, it is certain that P. R. has given minorities in the south a share of representation which they could not possibly have obtained under the old system. For example, Dublin city elected as its 40 guardians 30 official Sinn Fein candidates, one independent Sinn Feiner, three labor candidates, one representative of the I. T. G. W. Union, and five independents. One area returned one official and one independent Sinn Fein candidate and one representative of the I. T. G. W. U. In the many contested areas a solid Sinn Fein delegation seems to have been the exception rather than the rule.

And even the Unionists have P. R. to thank for a few members in "Southern Ireland." There will be two Unionists on the Donegal county council and one official and one independent Unionist on the Dublin county council.

ULSTER DIVIDED

The Unionists retain control of Belfast and the four nearby counties, but with somewhat reduced majorities. The Nationalists and Sinn Feiners worked in close co-operation and secured substantial representation almost everywhere.

An interesting contest took place in the Catholic area of Falls, Belfast, where the contest was exclusively between Republicans and Home Rulers. The Sinn Feiners elected two and the Nationalists one.

The storm centers were Counties Fermanagh and Tyrone, in both of which Catholics comprise a slight majority of the population. The two nationalist parties managed to maintain their majority on the Fermanagh county council and captured the Tyrone county council for the first time, so that there are now Nationalist majorities in two of the six counties and one of the two county boroughs of "Northern Ireland."

THE OMAGH CONTEST

The Hare system usually shows to best advantage where the contest is hottest. In these elections the hottest contest was furnished by the Omagh area in County Tyrone. In three of the five Tyrone areas the Nationalists and Unionists had agreed to an even division of the seats on the P. R. principle without a contest—a notable fact in itself. A fourth was hotly contested, but the even division which resulted was foreseen. Due to the division into four-member areas, which the nationalists refer to as an attempt to gerrymander, the only chance for the Nationalist majority to secure a majority on the county council was to win three of the four Omagh seats.

Accordingly both sides marshalled all available forces—and more, if the charges on both sides may be believed. However that may be, they conclusively demonstrated the fact that the most ignorant voters can be taught to use the Hare ballot effectively. For although more than 90 per cent of the voters on the register were recorded as having voted, less than 1 per cent of the votes were spoiled—an enviable record under any system.

Furthermore, the large number of ballots transferred from one Nationalist candidate to another is evidence that the Nationalists, who in Derry are certainly no better educated than the Unionists, were able to mark their ballots intelligently for second and further choices. On the count of first preferences two Sinn Feiners and one Unionist candidate received the necessary quota of votes and were declared elected. Of the remaining three candidates, the second Unionist candidate had a lead of over a thousand votes. But when the surplus ballots of the elected candidates were distributed and the ballots of the low Independent Nationalist candidate were transferred, the third Sinn Fein candidate overcame the lead of the Unionist and secured the coveted fourth seat. This was in strict accord with the relative strength of the two parties, as shown by the first preferences polled:

Nationalist candidates 5,884 votes—73 more than 3 quotas.

Unionist candidates 3,820 votes—54 less than 2 quotas.

THE GERRYMANDER CHARGE

It is interesting to note that in both cases where an attempt to gerrymander under P. R. has been charged in Ireland, the deadlock anticipated has failed to materialize. The Londonderry elections last January were carried out in areas so arranged, the Nationalists charged, that though in a majority they were likely to get only half of the members on the city council. In that case also the Nationalists secured a majority. Whether or not there was any intentional attempt to gerrymander in these elections, the Nationalist victories in both cases bear out the contention that P. R. makes effective gerrymandering next to impossible.

THE INDEPENDENT AND THE MACHINE

Once again the considerable number of independents elected throughout Ireland bears witness to the fact that the Hare system plays no favorites and gives even the non-party man a chance. But, more interesting still, voters have in some cases availed themselves of the opportunity given by the Hare system to pick their own candidates *within the party* without danger of decreasing the party's representation, and have elected party candidates not endorsed by the party organization. The case of the independent Sinn Feiner elected in Dublin over one of the official Sinn Fein candidates has already been referred to. Another example is furnished by the Carrickfergus area of County Antrim, where Mr. Edward Coey, a member of Sir Edward Carson's advisory council who had served on the county council for twenty years, was one of the two defeated candidates although there were no Nationalists or Sinn Feiners in the field.

All the nationalist parties appear to be unanimous in their support of P. R. Sinn Fein shows no signs of repudiating the stand of its leader, Mr. De-Valera, favoring it on the grounds of the rights of minorities. Most of the southern Unionists are also in favor of P. R.

The Unionist organization of northeast Ulster, whose actual hold on the people of Ulster has been shown by P. R. to be much less than the old system made it appear, is opposing P. R. rather strenuously. They have the unenviable distinction of being the only protestants against the catholic doctrine of representation for all—using the terms "protestant" and "catholic" not in their sectarian sense. But even among Ulster Unionists some advocates of P. R. may be found.

THE PRESIDENT'S VETO OF THE BUDGET BILL

BY THOMAS REED POWELL

Professor of Constitutional Law in Columbia University

The President's veto of the budget bill denied the constitutionality of the method of removal of the proposed comptroller-general. Congressional surveillance of expenditures as contemplated by the bill is here discussed by a distinguished student of constitutional law. :: :: :: :: :: :: :: :: ::

In the endeavor to secure an independent national audit congress proposed in the budget bill to give an indefinite tenure to the comptroller general and assistant comptroller general, to forbid their removal by the president and to provide for removal for cause by concurrent resolution of congress. These provisions as to removal caused the president to veto the bill. The veto message declared:

> It has, I think, always been the accepted construction of the constitution that the power to appoint officers of this kind carries with it, as an incident, the power to remove.
>
> I am convinced that the congress is without constitutional power to limit the appointing power and its incident power of removal derived from the constitution.

The president's conviction finds no direct support in any language of the constitution or in any decision of the supreme court. Though the court has had several opportunities to interpret the constitution in accord with the affirmation of the president, it has gone out of its way to avoid doing so. It has also carefully refrained from conveying the implication that the president may be deprived of power to remove officers appointed by him by and with the advice and consent of the senate. There are, it is true, expressions in some of the opinions which, taken by themselves, might lend comfort to the president's constitutional views. These, however, can be matched by others of contrary tenor. A thoughtful reading of all that the supreme court has said in relation to the matter will lead to the conclusion that the court has sought to leave itself free to decide the issue on its merits when it arises.

I

There is, however, a square decision that congress may restrict the heads of departments in the removal of inferior officers over whom they are given the appointing power by statute. This is *United States* v. *Perkins*[1] decided in 1886. The contribution of the supreme court was confined to quoting with approval the opinion of the court of claims. This opinion, after saying that the power to restrict the president in the removal of officers appointed by him by and with the advice and consent of the senate was not involved and need not be considered, declared:

> We have no doubt that when congress, by law, vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in congress to thus vest the appointment implies authority to limit, restrict and regulate the removal by such laws as congress may enact in relation to the officers so appointed.
>
> The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of congress; and by such legislation he must be governed, not only in making appointments but in all that is incident thereto.

This may be thought to carry the negative implication that congress may not regulate the power of removal where it may not determine who shall appoint. Under the constitution certain officers must be appointed by the president by and with the advice and consent of the senate. To this is added: "But the congress may, by law, vest the appointment of such inferior officers as they may think proper in the president alone, in the courts of law, or in the heads of departments." In *United States* v. *Germaine*,[2] decided in 1879, the supreme court regarded the designation "inferior officers" as applicable to all officers inferior to those specially mentioned in the constitution. This would of course exclude "ambassadors, other public ministers and consuls, judges of the supreme court," who by the terms of the constitution must be appointed by and with the advice and consent of the senate. Mr. Justice Miller in the Germaine case seems to assume that it also excludes the courts and heads of departments who may by law be vested with some appointing power. But he says plainly that all officers inferior to those specially mentioned are to be classed as "inferior officers." Therefore the comptroller general and assistant created by the bill which the president vetoed are "inferior officers," whose appointment might be vested by law in the president alone or in the secretary of the treasury.[3] Hence these proposed officers are not within the scope of any possible negative implication in *United States* v. *Perkins* to the effect that the president cannot be restricted in the removal of officers whom he has a constitutional power to appoint.

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[1] 116 U. S. 143.

[2] 99 U. S. 508.

[3] This is recognized in the president's veto message: "It would have been within the constitutional power of congress, in creating these offices, to have vested the power of appointment in the president alone, in the president with the advice and consent of the senate, or even in the head of a department."

This brings us to the question whether the power of congress to determine the mode of appointing the comptroller general carries with it a power to determine how he shall be removed. The Germaine case makes clear that congress might have vested the appointment in the secretary of the treasury and have restricted his power of removal. But congress has not done so. Instead, it has put the power of appointment in the president by and with the advice and consent of the senate. This is where it would have fallen by reason of the constitution, had congress kept silent. But the constitution did not secure to the president the power to appoint such an officer as the comptroller general. Congress had the option to prescribe any one of three modes of appointment. It would seem, therefore, that we may properly paraphrase the language of the Perkins case and say that the president "has no constitutional prerogative of appointment" to the office of comptroller general "independently of the legislation of congress." From this it would follow that "by such legislation" the president "must be governed, not only in making appointments but in all that is incident thereto."

Is there any flaw in the deduction? Can a distinction be made between the failure of congress to withhold the appointment from the president and the positive vesting of the appointment elsewhere as in *United States* v. *Perkins?* The basis of the Perkins case was the absence of any constitutional prerogative in the head of the department to appoint the officer in question. "Constitutional prerogative" must mean a power secured by the constitution against deprivation by congress, and not merely a privilege conditioned on congressional acquiescence. Grant that the president has no constitutional complaint if congress does not vest in him the appointment of the comptroller general, and it follows that he has no constitutional prerogative to appoint that official. If congress can withhold from him the power of appointment, it can under the Perkins case grant it to him on terms. The fact that the power would have gone to the president and senate had congress been silent on the matter does not seem material. A power conditioned on congressional inaction is not a constitutional prerogative. The president's constitutional security in the appointment of such an officer as the comptroller general is as weak as that of any head of a department in the appointment of an inferior officer. In both cases it is *nil.* Therefore the logic of *United States* v. *Perkins* is directly applicable to the issue under discussion and settles that the president's reasons for his veto are invalid, unless the president is entitled to some immunity that is not accorded to a head of department.

II

This leads us to review the judicial opinions and the legislative practice which throw light on the source of such power of removal as the president ordinarily enjoys. The first case on the power of removal in the federal government is *Ex parte Hennen*[1] decided in 1839. This held that the power vested by congress in the judges of the district court to appoint their clerks carried with it a power of removal. "In the absence of all constitutional provision or statutory regulation," declared Mr. Justice Thompson, "it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment." Reference was made to the practical construction of the constitution initiated by the first congress that the president might remove officers appointed by him by and with the advice and consent of the senate. This practical construction was also reviewed in *Parsons* v. *United States*,[1] decided in 1897, which held that a statutory limitation of the term of officers appointed by the president by and with the advice and consent of the senate did not indicate any intention on the part of congress to forbid the president to remove such officers prior to the expiration of their term. *Shurtleff* v. *United States*,[2] six years later, decided that a congressional grant of power to the president to remove an officer for cause implied no prohibition against removing him without cause. In both of these cases the issues made it possible for the supreme court to declare that congress was without power to restrict the president in making removals of officers appointed by him. But in both the court carefully avoided doing so. At the same time it may be said that in both cases the court worked hard to interpret the statutes so as to avoid the necessity of passing on the constitutional question.

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[1] 13 Pet. 230.

The practical construction of the constitution started in the first congress in which the house voted down a proposal that the secretary of the department of foreign affairs should be removable by the president, and the senate passed the bill with the omitted provision, but only by the casting vote of Vice-President Adams. As Mr. Justice Peckham points out in the Parsons case, the reason for striking out the clause conferring on the president the right to remove was that it was "susceptible to the objection of undertaking to confer upon the president a power which before he had not." Whether this means only that the president does not need a grant from congress in order to remove an officer appointed by him, or means that the president may not be denied the power to remove the officer in question, is not specified. For our present purpose, however, we can leave the problem unsolved. For the debate had to do with the head of the department of state whose appointment, according to the constitution, can be made only by the president by and with the advice and consent of the senate. Even if congress may not restrict the president in the removal of such an officer, it may still deny him the power to remove where it may withhold the power to appoint.

Similar considerations apply to the issue raised in the impeachment of President Johnson as to the removal of Secretary Stanton in alleged violation of the tenure of office act. The senate, after its acquittal of the president, affirmed its faith in the constitutionality of the tenure of office act, by declaring in a preamble to a resolution confirming the nomination of General Schofield whom the president designated "in place of Edwin M. Stanton, removed," that "Stanton had not been legally removed from his office but had 'relinquished his place as secretary of war for causes stated in his note to the president.'"[3] Thus we have legislative construction of the constitution to the effect that congress may limit the power of the president to remove even heads of departments. The temper of the legislature at the time detracts somewhat from the weight which might otherwise be given to its opinion. But even if congress were wrong as to its control over the tenure of heads of departments whose appointment is secured to the president and senate by the constitution, it may, as we have seen, still have power to restrict the removal of inferior officers. Congressional control over the power to appoint must carry with it control over any power to remove that finds its only source in the power to appoint.

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[1] 167 U. S. 324.

[2] 189 U. S. 311.

[3] Dunning: *Essays on the Civil War and Reconstruction*, page 302.

III

Shurtleff v. *United States* was explicit in relating the president's power to remove to his power to appoint. The case involved a merchant appraiser whose term of office was not limited by statute. He was an "inferior officer" appointed by the president by and with the advice and consent of the senate. His contention that he could not be removed by the president without cause was predicated on an assumed negative implication from a statutory provision that he might be removed for cause. This implication would confer on him a life tenure if he behaved. The supreme court was naturally loth to reach such a result. The parts of Mr. Justice Peckham's opinion most pertinent to the issue now under consideration are as follows:

> We assume, for the purposes of this case only, that congress could attach such conditions to the removal of an officer appointed under this statute as to it might seem proper; and, therefore, that it could provide that the officer should only be removed for the causes stated, and for no other, and after notice and an opportunity for a hearing. Has congress, by the 12th section of the above act, so provided?
>
> It cannot now be doubted that, in the absence of constitutional or statutory provision, the president can, by virtue of his general power of appointment, remove an officer, even though appointed by and with the advice and consent of the senate. *Ex parte Hennen*, 13 Pet. 230; *Parsons* v. *United States*, 167 U. S. 324, and cases cited. To take away this power of removal in relation to an inferior office created by statute, although that statute provided for an appointment thereto by the president and confirmation by the senate, would require very clear and explicit language. It should not be held to be taken away by mere inference or implication.

And later, in dismissing the applicability of the maxim *expressio unius est exclusio alterius*, it was added:

> The right of removal would exist even if the statute had not contained a word upon the subject. It does not exist by virtue of the grant, but it inheres in the right to appoint, unless limited by constitution or statute. It requires plain language to take it away.

IV

From this review of the opinions it appears that abstractly the power of the president to remove has the same source as a similar power in a district judge or in a head of department. It is incident to the power to appoint. It does not belong to the president or to the head of a department by virtue of their respective offices but by virtue of powers to appoint vested in them. It is said to arise by implication—which, being interpreted, means that it has been thought reasonable and wise in the circumstances under which the question has arisen to infer a power to remove from a power to appoint. The circumstances under which such an inference has thus far been drawn by the supreme court have never included an express denial of the implication by congress. Implications are quite commonly intellectual devices for making plugs to fill holes. They are the work of the impliers and not of those who made the product which has the hole. The implied power of the president to remove is not part of the original fabric of the constitution. The question now before us is whether it is likely to become by judicial decision a part of the fabric of the constitution or only a part of the power to appoint. The president can at best have a constitutionally protected power to remove only when he has a constitutionally protected power to appoint, unless in some way the power to remove can be implied from other duties of the presidency with which congress may not interfere.

The only other presidential duty to which the power to remove can be easily related is the duty to see that the laws are faithfully executed. If the president needs a free hand in making removals in order to ensure the execution of the laws, it might be held that congress may not restrict him. The supreme court has never said that the president gets his power to remove from his duty to see that the laws are faithfully executed. It has said in the Shurtleff case that congress has classed the office of general appraiser "as appropriately coming under the direct supervision of the president, and to be administered by officers appointed by him (and confirmed by the senate) with reference to his constitutional responsibility to see that the laws are faithfully executed." Somewhat naïvely Mr. Justice Peckham adds a little later that "in making removals from office it must be assumed that the president acts with reference to his constitutional duty to take care that the laws are faithfully executed." But this refers to that duty, not as the source of the power to remove, but as a guide to its exercise. Mr. Justice Peckham seems to be thinking, not of constitutional law, but of constitutional morality. And *United States* v. *Perkins* makes it clear that the president's duty to see that the laws are faithfully executed does not ensure him a power to dictate the removal of inferior officers. If the head of a department may be denied the power to remove officers appointed by him, congress may give inferior officers security of tenure. If the president's duty as to the enforcement of the laws does not give him control over inferior officers appointed by the head of a department, it cannot ensure him control over inferior officers whose appointment might have been vested in the head of a department.

Our conclusion, then, is that President Wilson lacked justification for his conviction that the constitution does not permit congress to restrict his power of removal of such an officer as the proposed comptroller general. This is predicated on the fact that such an officer is one whom the constitution designated as "inferior" and one therefore whose appointment need not be vested in the president. Our doubt on the correctness of the president's constitutional law is founded on logical inference from *United States* v. *Perkins*, rather than on psychological inference from the judicial opinions which have discussed the power of the president. The only safe psychological inference from those opinions is that the supreme court was anxious to keep itself unfettered and to leave the question entirely open. This perhaps would justify the president in having doubts as to the constitutionality of restricting his implied power of removal. His veto message, however, went on the basis, not of doubt, but of contrary assurance. A careful examination of the cases must shatter any such assurance and come pretty close to removing contrary doubts.

V

Even if we grant that congress may restrict the president's power to remove such an officer as the proposed comptroller general, it does not follow that congress may itself exercise the power to remove by concurrent resolution as was provided in the budget bill. This provision of the bill raises a constitutional issue upon which the supreme court has given us little, if any, light. Each house of congress may appoint and remove its own officers, but the constitution makes no provision for officers of the two houses jointly. The comptroller general and assistant must be regarded as "officers of the United States" who under the constitution must be appointed either by the president and senate or the president alone or the courts or heads of departments.[1] The defunct budget bill says: "There is created an establishment of the government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the comptroller general of the United States." This independence from the executive departments does not make the comptroller general any the less an "officer of the United States." The judges are officers of the United States. It is clear, then, that congress cannot predicate any power to remove the comptroller by concurrent resolution on any possible power of appointment by concurrent resolution. It cannot justify the power to remove as part of the legislative power, because an exercise of legislative power must be submitted to the president for his approval. Indeed, the letter of the constitution (article 1, section 7, clause 3) plainly requires a concurrent resolution to be submitted to the president for his approval, though this provision seems to have been successfully honored in the breach when the resolution is not legislative in character.[2] The removal of officers is not so characteristically a legislative function that it could not crawl under this practice. Yet it is distinctly different from the mere expressions of opinion which most concurrent resolutions content themselves with. It is to be remembered, too, that the practice referred to is still only practice and has not been subjected to the scrutiny of the supreme court.

We are here questioning, not the power of congress to legislate on the subject of removals or to restrict appointing officers in making removals, but the authority by act of legislation to vest the power of removal in the two houses by concurrent action not participated in by the president. Congress must certainly resort to implication to find constitutional warrant for such vesting of the power to remove. Some leverage for such an implication may possibly be found in the doctrine that the non-legislative power to punish for contempt may be exercised by each house separately in so far as its exercise is essential to preserve and carry out the legislative power granted by the constitution.[3] The argument would be that the legislative power to appropriate money for specific purposes and the constitutional prohibition that "no money shall be drawn from the treasury, but in consequence of appropriations made by law" make it important to have a disbursing and accounting officer independent of the executive, since it may be his duty to restrain the executive. The two houses together need this power to protect the comptroller against the executive department and to ensure his compliance with the mandates of appropriation laws for the purpose of preserving and carrying out the legislative power granted by the constitution, as much as each house separately needs the power to punish for contempt to safeguard the same interests. Therefore the courts should imply the one lower power as it implies the other.

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[1] See Mr. Justice Miller, in *Germaine* v. *United States*, 99 U. S. 508, 510.

[2] Hinds: *Precedents of the House of Representatives*, sections 3833, 3834.

[3] See *Marshall* v. *Gordon*, 243 U. S. 521, and cases cited.

Whether such an argument would prevail with the supreme court must be open to serious question. It is difficult to disagree with that part of the veto message which reads:

> The section referred to not only forbids the executive to remove these officers, but undertakes to empower the congress, by a concurrent resolution, to remove an officer appointed by the president, with the advice and consent of the senate.
>
> I can find in the constitution no warrant for the exercise of this power by the congress. There is certainly no expressed authority conferred, and I am unable to see that authority for the exercise of this power is implied in any expressed grant of power.

The message goes on to express the belief that the power of congress to remove officers is clearly negatived by the provisions which make it necessary for the appointing power to be vested elsewhere and the principle that the power of removal from office is an essential incident to the appointing power. This belief, as we have seen, rests on ground that is far from solid. But the president's conclusion may be sound though his supporting reasons are not. Certainly his conclusion cannot be proven unsound by anything in the constitution, in judicial opinions, or in well-established practice. Congress has attempted a new departure. Even though its action might successfully run the gauntlet of the supreme court, as have so many previous new departures, the president in the exercise of the veto power is well within the duties of his office in refusing to approve of legislation that has so weak a warrant in the constitution.

THE FATE OF THE FIVE-CENT FARE

XII. MUNICIPAL OWNERSHIP IN SEATTLE

BY FRED W. CATLETT, ESQ.[1]

On November 5, 1918, the voters of Seattle by an overwhelming majority authorized municipal ownership and operation of the street railway lines. Seattle's experience has been and will continue to be a subject of debate throughout the country. This careful and discriminating analysis tells the story. :: :: :: :: :: ::

Before this article reaches print, its title may describe merely a past phase of municipal traction history. The five-cent fare is in existence in Seattle at this writing, thanks to politics and the generosity and support of the general fund, but its end is fixed for July 19, unless a referendum is invoked, and there are as yet no rumors of any attempt to invoke one.

RECENT HISTORY REHEARSED

Any account of the local fare situation necessarily involves a rehearsal of our recent street railway history, including the story of the city's purchase of the lines from the private company. From 1913 to and including 1917 the average earnings of the Puget Sound traction, light and power company, which was operating all of the urban street car lines in Seattle save three disconnected ones, was, according to its own statements, 2.35 per cent. These years were unquestionably lean years and the financial condition of the road had much to do with the creation of the emergency situation in 1918 resulting in the sale to the city.

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[1] Mr. Catlett is a practising attorney in Seattle, and is eminently fitted by scientific training and experience in public life to give an authoritative account of the street railway situation in that city.

The company had for a long time refused to make any extensions to its lines, although several were badly needed, because the city insisted that any new franchises must contain the provisions required by article iv, section 20, of the city charter. These provisions not only included a common user clause, but also reserved to the city the right to repeal, amend or modify the grant, to cancel and forfeit it if the franchise were not used in full accordance with its provisions, and the right at any time during the grant to acquire by purchase or condemnation for the use of the city itself "all the property of the grantee within the limits of the public streets at a fair and just value which shall not include any valuation of the franchise itself, which shall thereupon terminate." Because of the fear that the acceptance of any new franchise with these terms might in some way taint its existing franchises, the company would have nothing to do with any such franchise.

In 1916 and 1917 the company declined to pay the annual 2 per cent gross earnings tax stipulated in its franchise. It first went directly to the State Public Service Commission to get relief not only from this 2 per cent gross earnings tax, but also from the payment of its share of the cost and maintenance of certain bridges, its obligations to pave between the tracks and one and a half feet on each side thereof, and to permit certain officers or employes of the city to ride free. For reasons of its own it chose to have pressed for decision, not its own case, but the case of a company under the same control, the Tacoma railway and power company. Counsel for the city of Seattle voluntarily appeared in that case as amici curiæ and the Public Service Commission held that it had no jurisdiction to relieve street railway companies from franchise obligations. Upon appeal to the supreme court that ruling was affirmed in April, 1918.[1] In that case the court also held that by virtue of a provision in the Public Service Commission statute the commission was without authority to permit the railway company to "charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town." Two months later the supreme court held that the company must pay its 2 per cent gross earnings tax for 1916 and could not offset damages which the company claimed by reason of an attempt on the part of the city to force it to sell tickets upon the street cars.[2] This decision was determinative of the suit brought by the city in March, 1918, for the 2 per cent gross earnings of the year 1917. The city had also secured from the lower court two writs of mandate enforcing franchise obligations to pave between the tracks.

At this time, too, as is well known, prices and wages over the country were rising and the employes of the traction company were getting very restless. Having exhausted every possible remedy elsewhere, the company then went to the city and asked relief from the franchise obligations mentioned. Some modification in the way of permission to run one-man cars on certain lines had been granted and at one time during the negotiations the city council was considering relieving the company of so much of these burdens as would be necessary to enable it to earn the 2.35 per cent which it had earned on the average for the preceding five years. This the company did not consider sufficient. It insisted on permission to raise the fare to seven cents. Although the council and mayor had in general the power to relieve the company from obligations to the city under the franchise, on the question of fare the state statute positively forbade any fare in excess of five cents, and the corporation counsel properly ruled that the city could not abrogate a state statute. It was apparent that the obstruction of this statute could be removed only by the legislature itself when it met in 1919.

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[1] *State ex rel Tacoma Ry. & Power Co.* vs. *Public Service Commission*, 101 Wash. 601.

[2] *Seattle* vs. *Puget Sound Traction, Light and Power Co.*, 103 Wash. 41.

The opposition of the company during these years to performance of its franchise obligations had contributed to the development of a general feeling of hostility toward it. This was the situation in the summer of 1918. The shipyards here were alive with activity, the critical period of the war seemed at hand, the government was demanding the completion of ships as rapidly as possible and the transportation facilities, especially in the way of transportation for the workers to and from the shipyards, were entirely inadequate. Federal representatives on the ground were insisting that the city must solve the difficulty if it wished additional contracts to be awarded to the local yards.

These demands precipitated a series of conferences between representatives of the company and representatives of the city government. Many of them accomplished little, but on August 21 the city council offered to lease the street car lines from the company and pay as rental the average net amount earned by the company during the years from 1913 to 1917 inclusive. After taking this under advisement for a week, the traction company declined to lease the lines, but indicated that it would sell if the city gave proper security for the purchase price. Suggestions were then made that the federal government step in and assist, but the government representative said it had no intention of doing so.

CITY DECIDES TO PURCHASE LINES

The first suggestion that the city purchase the lines came on September 5 and is ascribed to A. M. Taylor, director of the passenger transportation and housing bureau of the U. S. Shipping Board Emergency Fleet Corporation. He was quoted as saying that the lines were worth between twenty-five and twenty-seven millions. An accountant's valuation begun for the State Public Service Commission, but never completed by it, showed the properties to be worth approximately fifteen millions. On September 6 an all-day conference was held between traction officials, city officials and government officials and resulted in a tentative offer by the city authorities of fifteen millions in utility bonds, payable out of the earnings of the traction lines alone and payable in twenty years in installments, with 5 per cent interest. Traction officials here were at first unwilling to recommend to the Boston officials the acceptance of the city's offer, but finally agreed to do so. Five days later the offer was accepted.

The informal offer to purchase the traction lines had been general, and it now became necessary for the parties to agree on a segregation of the power and traction properties of the company, and adjust the formal details. This was a task of very considerable difficulty, and while it was being accomplished the city council employed a firm of accountants to go over the company's books and ascertain what they indicated the cost of the properties to be. They reported that the books indicated $15,302,360, but said that they did not have sufficient time to present a complete report. Opponents of the purchase asserted that the report could not be relied upon because no allowance had been made for depreciation and a segregation of the traction properties had not then been made. The report accomplished nothing in the way of clearing the atmosphere. One of the members of the council, who had long been known as the champion of municipal ownership, stoutly maintained that the value of the system as it then existed did not exceed ten millions and was probably nearer seven and one-half or eight millions. His reasoning, however, was based largely though not entirely, upon the state statute fixing the maximum fare at five cents, and the earning capacity of the system under that strict limitation. If one accepted his premise, and considered only the question of earning capacity as determinative of the value of the lines, his conclusion inevitably followed, but many felt that the five-cent limit was not only not immovable, and would probably be raised by the next legislature, but was, under the unusual economic conditions, quite unfair as a sole criterion of value. To offset it, the company was able to point out the fact that cost of reproduction would be at least double the original cost.

It was not until October 18 that an agreement was reached as to the property which was to pass by the sale. The dispute had centered on certain properties owned by the company, but not directly connected with the operation of the traction lines. This included a claim to a part interest in the large central office building. The settlement gave the city all of these except the partial interest claimed in the office building. In lieu of that some forty or fifty additional cars and some supplies and equipment were turned over, it is said.

Three days after this the council decided to submit the question of the purchase to a vote of the people at the coming general election on November 5—just two weeks away. This was the period of the "flu" epidemic. Public gatherings and meetings were under the ban, and, for this reason, public discussion of the proposed purchase was confined almost entirely to the columns of the newspapers, already overburdened by, and naturally featuring, the sensational successes of the allies.

THE QUESTION OF VALUATION

Notwithstanding the sharp dispute concerning their value, the city council did not have an appraisal made of the properties the city was proposing to purchase. As stated, there were two accountants' or engineers' reports submitted, but they were unsatisfactory because ultimately they depended upon the books of the company. The declarations therein were self-serving and secondary; what the situation demanded was an actual present-day valuation of existing property, equipment and supplies. But the mayor, five of the nine councilmen, and the superintendent of public utilities insisted that the system was reasonably worth more than fifteen millions, and, as the responsibility of operating the lines profitably would, in case of the purchase, fall upon them, many felt that their statements could be relied upon. On October 27 a lengthy statement was officially issued listing the property to be acquired and its value as follows:

206 miles of street railway track and overhead system	$11,683,966.06
540 street cars	2,500,000.00
81 pieces of real estate	540,000.00
Buildings, car barns, shops and freight sheds	528,980.00
Machinery, tools and equipment	500,000.00
Stock, including electrical supplies	350,000.00
Total	$16,102,946.06

The valuation of the track and overhead system was based upon the cost to the city in 1914 of the construction of Division A of the municipal lines. As this was done at pre-war prices, it was claimed to be conservative. The value of the rolling stock and of the real estate and buildings was said to have been made by city departments in 1915 for purposes of litigation. The councilman opposing the measure urged that those valuations were faulty in that the private company's lines were neither so modern nor so well built as Division A, which seems to have been true, and that much of the equipment was "junk." Another councilman, heretofore an earnest advocate of municipal ownership, although asserting that he could not see that the lines exceeded eight millions in value, declared that other considerations led him to believe the elimination of the traction company from local affairs was worth the difference, and he would vote for the purchase. Under these unsatisfactory circumstances the question came before the people for decision. Their decision was only advisory and of no legal effect. They had to vote one way or the other, and they voted about three and one-half to one for the purchase.

As one looks back at the question now, the voters were doubtless unwise in approving the purchase in advance of any actual valuation of the road, but even yet there is no proof that the city paid more than the actual value. The mere fact that the city has been unable to operate the lines on a five-cent fare in the face of greatly increased costs in labor and supplies, and pay in addition 5 per cent on fifteen millions in bonds, without accumulating a deficit, falls far short of such proof. Private companies have not been able to operate profitably on a five-cent fare and pay 5 per cent on the total investment in the property, and how could it reasonably be expected of the city? It was not then foreseen that the war would end so quickly and the pressing need for increased transportation facilities cease. Although one cannot prove that more than the actual value was paid by the city for the system, there is some evidence of that fact, and many Seattle citizens now believe it to be so. Nor does that necessarily reflect upon the judgment of the voters on November 5. They had certain information given them. They thought they faced a pressing need with no possible solution except purchase. Having been here at the time, feeling the stress of the existing situation, I am unable to say that the judgment expressed at the polls was not the reasonable one under the circumstances. I am of the opinion that it was, and that it was quite the major sentiment of the community, even of the business portion of it.

It has since, because of the changing economic conditions, become popular to attack and deride the purchase, but a city is no more immune from mistakes than is a business corporation or business man, and many similar purchases made just prior to the close of the war, which when made seemed to have the support of sound judgment, turned out to be gross mistakes and resulted in financial loss. The purchase was made at a time of high prices and the city may have paid more, although how much more no one can say, than the actual value of the road. It should not be forgotten, however, that it was worth something to the city to be relieved of the constant strife and bickering between the company and the city government. It was worth something to eliminate the "bogie" of the "electric company" from municipal politics. The city needed extensions in several districts, had been unable to obtain them and doubtless would be until the expiration of the private company's franchises. Those franchises would expire in 1934 without hope of renewal on favorable terms, and the company would undoubtedly endeavor to make during the intervening years, not only a return on its investment, but a sufficient amount to amortize its system. The purchase at this time could be made with public utility bonds, and it seemed unlikely that the city would by 1934 be in a financial position to acquire a street railway system in any other way.

THE TERMS OF THE BARGAIN

After the extra-legal expression of opinion in favor of the purchase the city council proceeded to work out the details. The most important feature of these was the security to be placed behind the bonds. The voters had approved the purchase on the representation that the bonds were to be secured only by the utility. The company asked that the city pledge itself irrevocably to pay the bonds and interest, regardless of whether the gross revenues of the street railway system were sufficient to make the payments or not. This the city refused to do, but it did establish a special fund and provide that the bonds should be an obligation only against the special fund created. The bond itself states that it is payable "solely out of the special fund of the city of Seattle known as the municipal street railway bond fund, 1919." It was provided in the ordinance that a sufficient amount of the gross revenues of the municipal street railway system should be paid into this fund to meet the payments of the interest and principal of the bonds as they fall due, "and such fixed amounts out of such gross revenues are hereby pledged to such semi-annual payments of interest and such annual payments of principal and shall constitute a charge upon such gross revenues superior to all other charges whatsoever, including charges for maintenance and operation."

The city further bound itself "to establish and maintain rates for transportation upon such municipal street railway system which shall provide sufficient revenues to permit such sums being paid into such specific fund which the city has pledged to be set aside semi-annually for interest, and annually for principal, as herein provided, to be applied to the payment of principal and interest of the bonds herein authorized until such bonds have been paid in full, and in addition thereto all costs of operation and maintenance, and all bonds, warrants and indebtedness for which any revenues have heretofore been previously pledged."

This settlement varied essentially, many thought, from the proposal submitted to the voters. It looked like a plan indirectly to put the general fund behind the bonds. Five of the council supported it, however; two voted against; and two were absent, but were said to be opposed.

The four ordinances constituting the settlement were passed by the council on the last day of 1918, and steps were at once taken to test its legality before the supreme court. March 5, 1919, a majority of that court declared it legal[1] and on April 1 the city took over the lines.

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[1] *Twitchell* vs. *City of Seattle*, 106 Wash. 32.

SUCCESS OR FAILURE

The wages of the employes were raised and the city faced at once the advancing costs of materials. Monthly reports were issued from time to time by the superintendent of public utilities indicating that the lines were paying, but failing to take account of any item of depreciation. The superintendent endeavored to effect economies by the institution of a skip-stop system, by a stricter regulation of the automobile traffic on the down-town streets in order to clear them as far as possible for the use of the cars, in a greater use of one-man cars and by the installation of meters on the cars to save power. He also raised with the city council the question of the cost of paving between the tracks and succeeded in getting the council to decide that the municipal lines need only pay such proportion of the cost of paving and maintenance in the business district as was fairly chargeable to the presence of the tracks in the street.

When, however, the end of the year arrived and a report was made up for the nine months of the year 1919, it appeared that if a proper allowance were made for depreciation the municipal lines had run behind $517,173.79, and the question of the retention of a five-cent fare at once became a live issue. The management of the municipal lines figured prominently in the spring campaign and was perhaps a considerable factor in causing a change of administration. The new mayor and superintendent of public utilities were reluctant to recommend an increase of fare until they had had a chance to see whether further economies could not be made. Some such economies were made, but it soon became apparent that they were by no means sufficient to meet the situation.

Discussion of the matter continued. It was suggested by one of the councilmen that the fares should be fixed at seven cents, which brought forth a statement from the mayor that he favored a six-cent fare only, leaving the remainder of the deficit to be paid out of the general fund. There were not wanting many people who argued for the retention of the five-cent fare, with the whole of the deficit to be paid by the general fund. It was pointed out with effect, however, that the existing tax rate rendered such a course exceedingly undesirable, and the public was reminded also that the general fund was already contributing to the extent of more than $500,000 annually to the street railway system through the lost general taxes which the company formerly paid, through the lost 2 per cent gross earnings tax, through the lost contributions to the cost and maintenance of bridges and a portion of the lost expenditures made by the company for paving between the tracks. Perfect accuracy would require that there be added to these contributions the cost of additional clerks in the law department, the purchasing department, comptroller's and treasurer's departments and the payments now being made by the general fund for the transportation of policemen and firemen, who were formerly carried free by the private company.

While this matter was under consideration the city undertook a strict regulation of the jitneys. It was estimated that the annual income of some fourteen lines, at the rates they were charging, amounted to more than $1,000,000 and it was urged that the jitneys were no more than parasites upon the municipal system and there was no reason why the city should permit them to operate on the public streets in competition with it. The jitneys had successfully resisted any regulation along this line until the financial condition of the road forced the passage by the council of an ordinance requiring them to be licensed by the city, providing for fixed termini, routes and schedules, and giving the superintendent of public utilities the power to recommend requirements. The superintendent of public utilities has announced some of the recommendations he will make, but so far they have not been approved by the council. If they are approved as submitted, a large part of the jitney competition will probably be eliminated, unless an initiative petition just filed proposing to repeal the regulating ordinance mentioned, and to substitute another, which is satisfactory to the jitneys, is passed.

No one knows how long the discussion over the increase of fares might have lasted, if the city treasurer had not suddenly announced that the deficit on the municipal lines was mounting so rapidly that he would be compelled on the 10th of June to place the lines upon a warrant basis, unless the income was immediately increased. The mayor and a majority of the council then agreed upon a seven-cent fare. When it came, however, to passing the ordinance the plan was changed to provide for a ten-cent cash fare, and for the sale of metal tokens upon the cars at the rate of four for a quarter. The theory of the plan was that the casual rider only would pay the ten cents, the citizens of the city paying but six and one-fourth cents. The mayor has signed this ordinance, although he expresses the opinion that it will not produce sufficient revenues to meet the needs of the municipal lines, and at this writing it seems probable that he is correct. The gross loss for the first four months of 1920 is $468,000. The present cash deficit in the railway fund exceeds $500,000, and that, of course, takes no account of depreciation.

In view of the turn of events it could hardly be expected that the cry of fraud and graft would not be raised. That the sale by the company was quite to its interest could not escape even the casual observer. For at least eight years the company had contended with a hostile city government. Election after election had confirmed its bitterest opponents in power, and it saw that there was no reasonable hope of fair treatment from the city government during the remainder of the life of its franchises—they expired in 1934—and no probability that it would then be able to renew its franchise on any acceptable terms. The only present relief it could obtain was from the legislature of 1919. Prices were high and it could readily point out that the system could not be replaced for twice its original cost. If it could sell to the city, therefore, it could get its money out, put an end to current loss and trouble, and avoid probable heavy ultimate loss.

So the traction company proceeded to take advantage of the situation and to capitalize to its own benefit the strong municipal ownership sentiment of this community, and its own unpopularity. That much is certain, and it is quite sufficient to explain the result. If any illegitimate means were employed to influence the result, the evidence has not yet become public. The council, however, has voted the mayor ten thousand dollars with which to probe the transaction, and facts heretofore concealed may perhaps be uncovered.

Seattle's experience in the operation of street car lines is too short to permit many conclusions to be drawn with safety. It seems, however, to support arguments often made against municipal ownership, such as that the municipality cannot operate as cheaply as can the private company, nor so efficiently when it comes to the financial management of the road. Questions of politics necessarily enter considerably into its administration. For instance, a private company, free to act, as is the city, would long ago have raised the fares. But raising fares, although supported by excellent business reasons and sound judgment, is not likely to be a winning bid for popular approval, in view of the fact that the great majority of a city's inhabitants pay no taxes directly, and believe themselves uninterested in the burdens thrown upon the general fund. It is very difficult, also, to protect that general fund from indirect inroads upon it. Plausible arguments spring up to justify this or that contribution, and it is the easier way in politics to yield to them. The danger from the demagogue is increased by these obvious opportunities.

A city is also not in a position to employ as cheaply or to have as effective a control over its employes. Their number is greatly increased—here it rose from 3,000 to 5,560—and they all come under the civil service rules and administration.

As to the quality of service rendered by the city and the private company, there are varying opinions. Accurate data seems to show, however, that the city is furnishing the better service.

Seattle is boldly and courageously pioneering in the municipal ownership of almost its entire traction system. It cannot draw either from the experience or the personnel of other municipally owned and operated systems in the country. It must blaze the trail largely alone and unaided. It did not, perhaps get a fortunate start, for the incubus of a $15,000,000 debt is a heavy one. But decreasing costs may save the situation, and it is certainly much too soon to pronounce a judgment of failure.

Seattle, July 1, 1920.

THE SOCIAL UNIT—AN EXPERIMENT IN POLITICS

BY S. GALE LOWRIE
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The Social Unit experiment in Cincinnati is generally thought of as an adventure in social work. The truth is that it is an exploration into a new field of political organization which challenges our traditional ideas of government. :: :: :: :: :: :: :: :: ::

I

A UNIQUE experiment in governmental organization has been in progress during the past few years. Its avowed purpose has been "to hasten the coming of democracy both genuine and efficient, by building upon a basis of population units, an organization through which people can get a clear idea of their common needs and can utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet those needs." Because the plan at first was concerned principally with health, many have regarded the Social Unit, as it is called, as a new sociological agency. "Evaluators" from the various national organizations concerned with better housing, the fight against tuberculosis, nursing and social work, have studied it and reported upon its accomplishments, but the fact has not generally been grasped that the primary purpose has been to learn whether a new type of governmental organization will work. The advocates of this political invention believe it is capable of extension to supply an improved type of government not only for cities, but for the state and possibly even for the nation. Such an enterprise deserves a closer study from its political aspects than it has yet received. Possibly it is unfortunate that the political scientist is denied the facilities which the laboratory provides the natural philosopher of controlling the influences which may exert themselves upon the object of his test. Experimentation consequently becomes complex for the former, and we are often puzzled to decide whether results obtained are due to causes which we recognize and understand. Nevertheless, observations of these trials furnish the fact bases upon which progress in the science of government must rest. An added reason why the attention of the student should be arrested, lies in the fact that this trial government has been established in an American city, selected as typical, and the results shed light on the actual operations of the forces now within our communities as much as on the results in the little laboratory itself.

The Social Unit is based upon a philosophy which has been thoughtfully evolved. The basic principles are that government should be thoroughly democratic and policies be based upon the real will of the people, but that in formulating that will, the specialized knowledge the community possesses should be brought into play. These have long been desiderata of political scientists. The thesis that government should be established upon the will of the governed harks back to early Anglo-Saxon principles. Such well recognized political devices as the town meeting, representative assemblies, the caucus, the primary, the initiative, the referendum, the recall, proportional representation and the short ballot have been adopted from time to time to bring about this end. Our endeavors to make public administration conform to the principles which science has deduced, though more recent, have been no less marked.

The plan of government designed to make popular control and technical skill function together, requires the formation of two councils—one to represent the general public and a second to represent technical or professional groups. The first of these is on the familiar basis of indirect representation. The smallest political unit is the "neighborhood" or block. In the district in which the experiment has been made the population of each "neighborhood" has been between 400 and 500. Each block elects a "neighborhood council" charged with the duty of educating the public at large concerning the work of the organization and the principles which lie behind it, of studying and reporting on community needs and of securing moral and financial support to carry out programs which have been approved by the general council. Each neighborhood council elects an executive who is not only the directing head of the council but its representative upon a larger group known as the citizens' council. If this form of government were to be established upon a city-wide basis, the executives of the citizens' councils would meet to form a municipal citizens' council and if a still larger district were covered, this process of pyramiding would go on so far as might be necessary. An initiative and referendum provision would complete the machinery for the participation of the people as citizens in the control of their government.

The formation of these councils on a basis of population, contributes nothing new to our political experience. The principle of representation is perhaps carried to an extreme with the result that, were the governing unit very large, the executives might be rather far removed from their ultimate constituents. But the establishment of "occupational councils," marshaling the people of the community on the basis of professions or trades, and giving them an equal control in public affairs, seems unique. The reasoning which resulted in this decision arises from a belief that those who have become specialists by virtue of the devotion of their energies to some definite field, such as medicine, the ministry, dentistry or teaching, or have become printers, merchants or electricians, are thereby qualified to pass with authority upon the technical phases of public functions. To focus this skill, a second system is devised. To the representation upon a population basis is added representation by professions and trades. All those of the district who belong to recognized callings are expected to meet and organize by occupations, and to form groups similar to the citizens' groups, each with its executive. The executives of the occupational groups form the occupational councils as those of the groups of citizens form the citizens' councils. Together, these two councils form the bicameral general councils—the supreme governing bodies. Through the citizens' councils, the people are expected to "get a clear idea of their common needs" and the occupational organizations are designed to "utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet those needs."

The advocates of this political philosophy have been Mr. and Mrs. Wilbur C. Phillips.[1] During the winter of 1915–16, a number of persons became interested in a proposal to establish a laboratory wherein such machinery as was contemplated in the plan might be set up and its workings observed. A national social unit organization was formed in April and a fund of $63,000 subscribed through which, together with what might be subsequently raised, it was proposed to inaugurate a three year experiment. This organization formed along the lines which it was espousing. Prominent persons were called upon to man the occupational groups. They consisted of those interested in children's work, public health, housing, neighborhood organizations, nursing, recreation, relief and statistics. Others were asked to sit as a "citizens' council," that the unit from the first might be true to type.

II

Cincinnati is a city of 402,000 people and the center of a metropolitan district of 630,000 inhabitants; 14.25 per cent of the people are wage earners—a larger percentage than in most cities of its size. It has never been considered a well organized city from a trade-union standpoint. It is one of the oldest cities in the country and has had a slower development than almost any large city in the western world. In 1850 it was the sixth largest city but each succeeding decennial census shows a recession in relative position to eighth in 1880, tenth in 1890, eleventh in 1900, thirteenth in 1910, and sixteenth in 1920. Its reputation for being a conservative city, difficult to arouse, is undoubtedly deserved; but its history shows some radical ventures. Notable among these is the construction of a railway during the seventies, 336 miles long, lying in three states—possibly the only example of a municipally owned steam railway in the United States. This property is leased under terms which yield the city $600,000 each year over and above operative expenses and debt charges. That the spirit of municipal adventure is not dead, is witnessed by the construction, now in progress, of a rapid transit belt line originally estimated to cost $9,000,000 but which now threatens to exceed several times this amount. Whether this enterprise is farsighted or merely fool-hardy, the not distant future may tell. The University of Cincinnati—one of the best known municipal universities of the world, receives its chief support from taxes and tops an educational system admittedly one of the finest in the country. As a musical and art center, Cincinnati has a more than national reputation. Among social workers, Cincinnati is noted because of the spirit of mutual helpfulness and co-operation which prevails among philanthropic associations. It was the first city to attempt on a comprehensive scale, the federation of the social agencies, their financing through a centralized budget, and their direction through a council of representatives.

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[1] A similar plan is discussed by Miss M. P. Follett in "*The New State*." New York, 1918.

The city's governmental organization is of the federal type common in American cities. A mayor and vice-mayor and auditor are elected for four year terms. The mayor appoints a solicitor, a director of service, and a director of safety, who controls the police department, the fire department, the department of public welfare and the city hospital. The mayor also appoints the members of such bodies as the board of health, the directors of the university and the sinking fund commission. The council is unicameral, one member is elected from each of the 26 wards, and six are elected at large. The school district is a separate unit and not a part of the municipal corporation. But more than the mere framework of government must be examined by one who would understand the actual administration of an American city. The political party machinery is always to be reckoned with, and in Cincinnati, it is scarcely too much to say that the executive committee of the dominant party is the actual governing agency. The executive committee of the Hamilton county organization of the Republican party is composed of two elements, one representing the wards and the other the large business and financial interests within the party. It is a combination for mutual profit. Each ward is under a captain who has as many lieutenants as he needs. These men know their constituencies. It has built "upon a basis of population units, an organization through which it can utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet its needs." In the negro wards, it can direct elections almost to a certainty and even in wards where the voters are more intelligent, its control is very great. All of the features which have come to be associated with American political methods are here to be found. The marked sample-ballot is a lawful device of great effectiveness. The customs against which "corrupt practices at elections" laws have been directed are resorted to when opportunity and necessity unite to make them possible and useful. The number of votes controlled by the Republican organization is variously estimated around 25,000. There are some 100,000 legal voters but in many elections a small vote is cast.

But an organization of this sort needs money. Some is received by assessments upon office holders and employes and more comes from contributions from party supporters. This is why the organization needs the "business element." This latter not only aids materially in the party's financing but lends respectability to the work of the committee and so makes other contributions easier to obtain and the decisions of the committee more palatable to the community at large. The business element is composed of the heads or prominent members of some of the largest industrial organizations in the city. They are attracted by the power over the county's destinies which membership in such cabal affords. This central committee makes the slate of candidates to be supported in the elections and controls all appointments made by those it has placed in office. It also formulates party policies. The Democratic party attempts to maintain a similar organization but it is very much weaker. In recent years, it has controlled the administration for only one two-year term when the majority party had succeeded in alienating some of its strongest supporters who helped in the political turnover and installed a reform administration. This short period, remarkable in many ways for its accomplishments in bettering city administration, came to a close six years ago, due chiefly to the fact that its policy with respect to a number of troublesome strikes was not as rigorous as some of its erstwhile supporters thought it should be. Since then, the minority party has had at times but a single representative among the thirty-two councilmen and at the present time has but three. Its influence in public affairs is not great.

III

Interest of Cincinnatians was first aroused in the Social Unit when the New York press carried notice of the formation of the national council and the statement that its first attention was to be directed toward intensive health work in a small area. For some time, the more active social workers in the field of public health had urged the formation of a small health center where an experiment might be made to see whether the death rates might not be materially lowered and sickness prevented by putting into practice the most advanced devices for health maintenance. Other social workers were interested in a proposal to increase and intensify social work in the city and in the promised opportunity to govern all phases of social work through a single co-operative agency. Some even reasoned that if $63,000 was to be contributed from outside to be spent some place for social work, the Queen City might as well be the beneficiary. The usual indorsements and proffers of aid were easily secured from the mayor, the chamber of commerce, the council of social agencies and the academy of medicine. These were influenced by the same considerations which had weighed with the social workers and possibly by the additional consideration of some slight advertising value which might accrue from being the center of what promised to be, at least nominally, of national interest.[1] So alluringly were the virtues of Cincinnati set forth that the previous determination of the national organization to locate in Washington, began to weaken and the conclusion was reached that none of the other fifteen cities under consideration offered so hopeful a field. Promise of substantial financial aid was an important factor in bringing the prize to the Queen City. The budget called for $135,000 pledged for the three year period; $45,000 was promised in Cincinnati. Much of the sum raised outside however was for propaganda and the expense of the national organization. It was hoped that as the experiment progressed, the work would be supported more and more upon a public basis.[1]

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[1] The same reasons interested other cities as the following from *The Town* (Baltimore), Oct. 14, 1916, shows: "It is claimed that 'the city finally chosen ought to secure a good deal of advantage, not only because a considerable sum of money is to be spent upon a very interesting medical and social experiment, but because the experiment, if successful, will awake wide attention and may radically affect the future alignment of medical and social work, not only in Baltimore but throughout the country.'"

Having considered why Cincinnati desired the Social Unit, a review of the reasons why the Social Unit wished to locate in this city will prove of interest. They are:

1. The opportunity for co-operation with the social agencies of the city because of their federation in the council and the expressed willingness on their part to recede from activity within the Social Unit area or to be totally eliminated if the Social Unit should gradually extend its scope over the entire city. The social workers of Cincinnati were judged to be more open to new ideas and more free from tradition than those of any city under consideration, and quite desirous of letting reconstruction rest upon a democratic rather than upon a charitable basis.

(2) The earnest support of the head of the city department of public welfare.

(3) The municipal hospital (which is one of the finest in the world) and its close affiliation with the municipal university, seemed evidence of a receptive attitude toward democratic ideas in medical work.

(4) The anticipated co-operation of the city health department whose executive head was president of the academy of medicine and the chairman of the local committee urging the Social Unit to locate in Cincinnati. "The possibility of securing it (this co-operation) had been a doubt in the minds of many who had heard the plan. It requires a very broad-minded public official to accept the idea of a health center *controlled by the medical profession*[2] and to join in so radical an experiment as this, with a mind open to whatever conclusions as to future health administration may be deduced therefrom."[3] (With what reason this doubt was lodged will develop hereafter.)

(5) Because public opinion was prepared for the principles of co-operation and democracy upon which the unit program rested as evidenced by: (a) such community federations as the council of social agencies, the chamber of commerce and various organized forums; (b) the community consciousness as evidenced by the ownership of the municipal hospital, the municipal university and a steam railroad, and (c) the apparent enthusiasm of the people of the city over the democratic features of the Social Unit plan.

(6) The location of the city near the center of population of the United States was thought to make an extension of the idea easier.

(7) The city was believed to be typically American, with the smallest percentage of foreign born citizens of any large city in the country. No single industry predominates and the mayor promised his hearty support.

(8) The city is one of neighborhoods. The topography invites community organization, and the formation of civic and welfare associations on a neighborhood basis.

(9) Personal impressions made by citizens established the conclusion that there was exceptional material to man the councils.

(10) There was a pledge of $15,000 per year for three years to aid the experiment.

These reasons were set forth in a bulletin published soon after the unit moved to Cincinnati. Subsequent history has led some to believe that a hasty judgment was formed. Yet this may be questioned. Each one of the ten factors considered seems pertinent to the choice of a location and practically every statement made of the virtues of the city is true, though it might be difficult to prove that Cincinnati is endowed with some of them, especially democracy and an interest in the fundamental aspects of the unit plan, above her sister American cities. The difficulty lay in failing to marshal these assets to aid the experiment.

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[1] "A certain amount of responsibility must rest upon the whole city which means that some support from the public treasury must be sought." Answer to Question No. 31, *Cincinnati Enquirer*, May 17, 1917.

[2] Italics ours.

[3] Bulletin No. 1. *History of the Social Unit Plan*. National Social Unit Organization. Cincinnati, January 1, 1917. P. 4.

Not a few of those who took a leading part in securing the location of the Social Unit in Cincinnati read again, after two years, the early publications of the national organization with some surprise. It was clearly stated in all these early issues that the political experiment was the main issue—the health center merely an activity upon which this machinery should function. The numerous addresses of the executives stressed the plan of organization but the auditors became lost in a bewildering maze of circles and lines and concluded that the gist of the matter was that intensive health work was to be done in some locality in such a way that the people of the district should be taken into the plan, so it would meet with their approval, and that the physicians and social workers of the city were to help guide its processes and judge its measure of success. Even those whose interest prompted them to master the intricacies of organization, found a constantly evolving plan difficult to understand and felt the important thing was to see what could be made of the health experiment; its exact form of organization did not so much matter.

IV

Having chosen the city, city councils were formed after the manner of the national organization. The occupational council was created by asking certain individuals to sit as representatives of the professions to which they belonged. Some of these selections were ratified by the professional societies of the city. Others were chosen for the citizens' council. After the same fashion in which the city of Cincinnati was decided upon as the seat of the trial government, competition was invited among the districts of the city which aspired to have the unit located among them. The race was not a spirited one since there were at no time more than three districts competing, and the Mohawk-Brighton district, finally chosen, was one where some neighborhood work was already under way in connection with a branch public library. Its early lead was never threatened. The section is perhaps typical of the city, though more of an average, possibly than a cross section. It comprises an industrial population of some 15,000 people largely of German extraction. It lies at the foot of the bluffs beyond which the better residential districts have long since extended, and is an older portion of the city.

Although the national organization was formed early in 1916 and Cincinnati chosen in November of that year, 1917 was half over before the district was selected and was nearly at a close before the work was under way. The district was organized in accordance to type except that, for the first time, the citizens' council represented definite constituencies while these councils in the city and national organizations had been made up of good citizens who had agreed to play the rôle of representatives but who owed their positions to the invitation of the promoters. Attempts were made to form occupational groups in the district and while some have functioned, notably the doctors' and nurses', these have never been so fully organized as the plan contemplates. About this Mohawk-Brighton general council, the city and national councils hovered, watching and waiting the long anticipated demonstrative experiment.

The organization had gathered a staff by the time the district was located, consisting of the two progenitors of the plan, who acted as executives, an executive for each council, an executive of the nurses' council, publicity agents and others. Headquarters were opened in Mohawk-Brighton. The district was divided into thirty-one "blocks" on a population basis and a person selected from each block to be the "block executive" or, as they were all women and possibly because of the nature of their work, "block mothers." The selection of these executives was subsequently ratified by elections within each block. These executives have been paid by the organization for the time they have spent. At first the rate was fifty cents an hour but, following the general trend, the "mothers" were granted a raise.

One of the first necessities was to teach these block executives the theories which lay back of the experiment and to train them in their tasks. This was done through classes and there is little doubt but they became rather deeply interested in the work and that they carried their enthusiasm back to their constituencies. One of the first undertakings was a census of the district which was made by the block executives, under direction of the staff, and upon this fact basis an enormous amount of useful community work was done. Those needing medical care or nursing were aided, employment was found for many out of work, children were kept in school and, in innumerable ways, family and household conditions were bettered. Those who have examined the experiment, and their names are legion, are usually carried away in considering the accomplishments in the awakening of community consciousness and interest on the part of the people in their own affairs. A number of picnics and contests, and the publication of a weekly newspaper devoted to local affairs, aided to produce this result.

True to the original plan, attention was first given to health work, particularly the care of infants. A baby clinic was opened and work of an intensive nature undertaken. The intimate, current information obtainable from the census and the reports of the block workers proved invaluable. But the real opportunity came in the influenza epidemic of 1918 when the facilities for learning of cases in their early stages and the greater number of nurses available, combined to keep the mortality rate in this area unusually low. From time to time, representatives of the great national health organizations have visited the unit to appraise its work in their respective fields and their almost universal endorsement speaks high praise for the accomplishments in the type of work chosen for the experiment's activity.

The promoters had dared hope that even before the three year period had expired, the movement would have spread and begun to gain considerable momentum. To prepare the way for this growth, much time was given to a wider explanation of the plan and to general publicity as to its operation which, however valuable it might have been in itself, was not particularly helpful to its success locally. But unfortunately, almost from the start, differences of opinion arose between the proponents of the experiment and those who had been most influential in inducing the location in Cincinnati. It weighed heavily in favor of the Queen City that the mayor urged it to come and consented to act as head of the citizens' council, also that substantial financial aid was promised. What was not understood was that this approval and aid were extended only upon the earnest solicitation of well-known social workers who practically agreed to sponsor it. These people were not presumptuous in undertaking this. A feature frequently reiterated when the unit plan was explained was that its control was to be democratic and that actual guidance was to rest with the councils who were well-known local people. But the Social Unit was not so easy to guide. Suggestions born of hard experience were turned aside on the ground that since this was "an experiment," deductions from previous occurrences had no bearing on the subject. The analogy between the political situation under which the city had lived for so many years and this new venture were too close to escape attention. In the first case, though the form has been democratic, with public officers nominated at primaries and chosen at the elections by the qualified voters, as a matter of fact, those actually in charge of the machinery of the dominant party make the citizens almost puppets. And so it proved in this case. Theoretically, the councils were to form all policies and choose all executives; the recommendations of the executives as to policies and the selection of staff members were usually approved. But since the district citizens' council has been functioning, there has been little evidence of any desire to control its decisions.

V

The difference between the originators of the plan and those locally interested in the project was basic. To the latter, it was an intensified demonstration in social work and public health administration to see if the sickness and death rate might not be lowered by applying, more thoroughly than had yet been done, accepted public health principles. The merit of the plan of control was that it was likely to awaken the interest of the professional groups and solicit their aid as well as reach the people's representatives and secure the popular support necessary for effectively carrying out the recommendations. If successful, it might prove the value of more intensive activities which might be carried on by the city through its regularly constituted health officers. The health experiment was the essential—the form of control but an incident. The future might see the extensions of health work but hardly the installation of a new political régime. But the chief interest of the promoters was in the machinery of government. They wished to "hasten the coming of a democracy." The health center was but a trial feature. If it should prove acceptable, other government activities should be undertaken—education, public recreation and water supply or, possibly, street cleaning, garbage collection, police protection and fire prevention might successively be tried. They were more interested, however, in seeing the health center, under the new control, extended over a wider and wider area until it covered the city and ultimately the state. As it spread, other governmental and social agencies were to be supplanted by it until it should form a new order, political and social. Privately, the proponents of the idea held that industry and the professions, too, should be controlled after this same manner, but no plan to incorporate such a movement was injected into this experiment.[1]

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[1] The executive officer of the city board of health, who had been chairman of the committee which had induced the Social Unit to locate in Cincinnati, felt called upon to explain this in a letter which appeared in the *Cincinnati Commercial Tribune*, May 17, 1917, which reads in part: "The Social Unit Plan, so far as its medical features are concerned, does not intend to discourage private medical practice. It takes the

Unfortunately for the experiment, clouds began to gather which threatened the success of the venture quite irrespective of what results the district itself would show. It was a time of unrest. America had just entered the war and whole-hearted support was needed from every citizen. Suspicion that members of the staff were pacifists and the whole project the entering wedge for socialism, had much to do with cooling the ardor of those who earlier had been its friends. Foiled in his attempts to keep the venture from obvious dangers, the director of public welfare resigned from the council and declined to have more to do with it. Thereupon, some who had promised the financial aid which had weighed in the selection of Cincinnati withdrew their contributions. Further financial embarrassment came because of the reluctance of those who undertook to raise funds for the community chest to include this as a part of their obligation. But the most conspicuous opposition came from the city officers, voiced by the mayor but owing its source to the public health department which had been so deeply interested in its coming. Certain proposals by the unit looking to an extension of public health education were regarded by the board of health to mean that the latter recede in its activities and allow the unit to do for the entire city the sort of health work which had proved so effective during the epidemic. This was quite in keeping with the announced plan as set forth in their published reasons for selecting Cincinnati. "The leading social agencies," the report reads, ". . . agreed to relinquish work within the unit area when the occasion arises and have further agreed to the gradual extension of the work (if successful) throughout the city, even if this should mean in the end their own elimination as social agencies." It was in the minds of the Social Unit executives that the same rule should apply to the city's health service, that the "occasion had arisen" and that the "success" had been established. Moreover, the only major criticism to their health work might be removed by this arrangement—that it was proving too expensive. The answer to this charge was that the cost during the early stages must necessarily be high because it involved a duplication, but that as soon as the other agencies left the Social Unit in sole charge, the expense would not be unduly great.

But the board of health did not take kindly to the proposal that they turn over their duties to the Social Unit even in the Mohawk-Brighton district. They insisted that the same measure of health work would be done there as was accorded other parts of the city. The request fanned to a flame opposition which had been developing to the Social Unit in the board of health for some time, due to its political complexion rather than to any failure in the carrying out of its health work. By this time, there had been a change in the position of chief health officer. The one who had been so active in locating the experiment had died and been succeeded by the assistant chief. But even the former head had lost his

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position simply that all people need adequate medical assistance, curative and prophylactic, and that if they cannot afford to secure this on a paid basis from private physicians, the community should supply them with the same. The situation is analogous, when any parent is permitted to send his child to a private school, but the community assumes responsibility for seeing that no child is prevented from securing an education through the inability of the parents to pay for such private education. Medical practitioners of the city should be keenly interested, in the unit plan because it aims for the first time, as far as I know, to give them a voice in the planning of public health work."

earlier enthusiasm and was quite ready to abandon the plan. The attention of the mayor was called to the proposal and consequently to the Social Unit plan itself. This was not the official who had served as a figurehead on the citizens' council when the local committee was formed and who had in fact urged the city's invitation. The present mayor's conception of public affairs is far keener. He saw the Social Unit as exactly what it is—exactly what its sponsors have insisted it is, and what the local admirers have so emphatically denied that it is—an experiment in government, tried out in the field of public health. And his judgment opposed it. He said it was socialistic—and an attempt to set up a government within a government. He was undoubtedly right in both conclusions. The city's experience with the political party organizations shows how inimical a "government within a government" may be. How much the mayor's attack injured the Social Unit would be hard to estimate; its more serious local difficulties grew out of its failure to receive financial support. The mayor seems to have contented himself with voicing his disapproval and not to have exerted himself to lay obstacles in its path. But assistance of no inconsiderable value was the indirect result of the statement because of the publicity which attached to it. Active press agents were not slow to take advantage of this and few stories went out which did not refer in some connection or other to the mayor's attack. So generally were these carried that citizens of Cincinnati traveling from home wondered whether the "Hogopolis" of their fathers—the city until recently known for its good liquor—was in the future to be celebrated chiefly as the home of the Social Unit.

VI

Since the close of 1919 was to bring the three year period for which the unit had been originally financed to a close, after which judgment was to be formed as to whether the experiment should be continued, the unit requested those associations, both local and national, which might be interested and those which were qualified, to send evaluators to appraise its work. Almost without exception, these organizations submitted reports on the work done, which were highly flattering to the Social Unit. Some, however, called attention to the danger of trying to draw statistical conclusions because of the paucity in the number of cases and some thought the cost unduly high. It was decided to hold a national convention in Cincinnati to hear these reports—or some of them—and to advise whether the experiment should be continued. Probably all the well-known local civic and neighborhood organizations were asked to hold meetings to decide whether they would endorse a continuance of the experiment and to elect delegates to attend the national convention. These local meetings were usually addressed by members of the Social Unit staff or its active supporters—those who were known to question its value were customarily invited but were usually too indifferent to convert their disapproval into determination to actively oppose it. The excellence of the health work was explained, its popularity in the district alluded to and the plan either indorsed, or judgment rendered that the work should go on. The national convention was a mass meeting of endorsers rather than a judicial body to sit to weigh evidence and form conclusions, and it too decided for the plan.

In the meantime, the financial difficulties were not being met. The renouncement of local pledges had seriously embarrassed the unit. More than that, the council of social agencies, through which nearly all the local social bodies raise their funds, had refused to include the Social Unit. The reason was a very practical one. Having judged it an entering wedge for socialism, a sufficient number of the larger givers had served notice that their funds would not be forthcoming for any of the charities if the unit were included in the council's budget—even though none of their individual contributions was to be used for the unit. Some of the agencies announced they would retire from the council were the unit included. The council was vulnerable. It yielded; first announcing that the unit's request for inclusion was denied because it was a "political" not a "social agency"—which the unit admitted. Later when the social agencies joined in a community chest which included all projects, civic as well as social, the request was renewed and again refused. Debates between the wolf and the lamb are usually futile.

Shortly after the national conference, the National Social Unit Organization united with the community councils of Greater New York and will undoubtedly again try the experiment in another locality. The Mohawk-Brighton Social Unit is continuing, with a somewhat restricted program and is endeavoring to meet a larger proportion of its costs by subscriptions from within the district.

Political and social institutions develop slowly. The three year period allotted the Social Unit for experimentation was at best a brief trial. It may have been expected that it would be necessary to lengthen this time before conclusions could ripen. As a matter of fact, hardly two years elapsed after the Mohawk-Brighton headquarters were opened before there was a call upon the executives to give an account of their stewardship, and if the period be measured from the time the blocks were organized and their executives functioning, is shortened to but little more than a year. Nor was this a period of fair trial. Local opposition was evidenced almost from the start and during the second year it assumed some proportions. But more serious than this was the fact that the attention of the staff, and incidentally the minds of all those concerned with the unit as executives or even as citizens, was so largely turned from the problem of the experiment—to see how the institution set up in the Mohawk-Brighton district would work—to propaganda; first to prepare the way for the extension of the plan over the city, and later to advertise the project far and wide and deduce conclusions from situations still in the more elementary experimental stages. When careful uninterrupted foundation work was needed, air castles of grandeur were erected. The very substantial accomplishments of the Social Unit in its citizens' groups under these circumstances testify eloquently to the soundness of the principles upon which they are based. But the contribution has been in the field of community organization. Its effectiveness is evidenced with practical unanimity by those who have examined it. This is a fact of some magnitude, considering that pioneer work was being done in a virgin field. Evidence of the popularity of the unit among the residents of the district is shown by the vote upon its retention taken after the mayor launched his attack. Between 45 per cent and 55 per cent of those entitled to vote, approved the retention of the unit and only $1\frac{1}{2}$ per cent voted against it. All adult citizens were permitted to vote.[1] As this practically amounted to a disapproval of the mayor's stand, the great majority expressed for the unit is striking. So much cannot be said for the occupational councils. These have done remarkable work in medicine and nursing but otherwise their influence on the experiment has not been marked.

VII

The idea of the Social Unit experiment has been an appealing one to a very large number of people who have been confronted with the problems of community organization. It is to be regretted that the prospectus could not have been unfolded in its essential features, namely, an organization of citizens which would be generally inclusive, an organization of professions and trades, and a fact basis for essential data upon which information as to community needs might be predicated and discussions by the citizens and occupational groups directed. It is to be hoped that the plan may have a trial in a number of places so its operation may be observed under different circumstances. It might well be tried in a small city where the unit would comprise the entire municipal area and where there is no great divergence in the social classes—for example—in a residential satellite city of a metropolis. It would also be interesting to see it tried in a city of similar size where there is a diversity of social classes, and possibly again in a part of a large city where there has been developed some degree of community consciousness coinciding with the area of the experiment. Such trials will hardly be worth while unless given sufficient periods to prove their value before attempts to draw conclusions are made; power in the local organizations to amend the plan if they at any time become convinced that changes are necessary so that it remains an instrumentality of their own; and greater interest in scientific investigation than in propaganda. It might be well, too, to place the financial burden of the experiment upon the community it is to serve, though "promoters' expenses" for a short period may be legitimate.

As a substitute for our form of government, the Social Unit has offered little that is tangible. There are too many questions concerning its operation as yet unanswered. It is not apparent that the citizens' councils as they are formed successively from the blocks to the largest areas, will avoid the evils of indirect representation which have been so inimical to "genuine democracy" as it has worked out in our own governmental systems; why the instructed vote will be satisfactory here when it has not been elsewhere; or how the difficulties of the large council elected by wards we have been trying to escape in our cities will become virtues under the Social Unit system. On the administrative side, the system seems to be weak in providing no method of selecting expert administrators and still more weak in avoiding any administrative cohesion or centralized authority. The staff of the Social Unit, it is true, is of such unusual ability as to seem to answer one of these criticisms. But these efficient members were selected first by the executives and later elected to executiveships. This suggests the tendency for a strong extra-governmental organization here, such as grew up in our own political system in the party, which became strong by absorbing features of government when the regularly instituted agencies were weak. Imagine motives of a sordid and selfish character in place of those of altruism and public service, which have always dominated those who have had charge of the experiment, and one is driven to the conclusion that a governmental type more easily corrupted could hardly be erected upon a democratic basis.

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[1] The number qualified to vote was 7,563; 4,154 votes were cast; 4,034 in favor of the retention of the unit.

It would be difficult to predict how the occupational councils would operate. There is less in our political experience to guide us. The desirability of having the professional groups mindful of the governmental problems lying within their respective fields and ready to advance the helpful suggestions which the most recent discoveries of science afford, is evident. It is hard to tell how far we should give power to these specialists—how far we should go toward allowing the schools to be controlled by the school teachers; the dental regulations written by the dentists; the health regulations by the doctors and nurses; the building code by the carpenters and architects; or the plumbing code by the plumbers. Possibly the interaction of one group upon another and the necessity of having these decisions approved by the citizens' councils would maintain a sufficient balance. So far, we have hardly been successful in getting our professional groups to concern themselves about the public aspects of their professions except as this might be necessitated by their private practices. And many have been slow to learn that public problems frequently differ from private ones. This may be just what is needed to stimulate that interest but, on the other hand, it might be dangerous to repose control before that interest is aroused.

The contribution of the Mohawk-Brighton Social Unit is in the field of community organization—not in the evolution of a new form of political control. And because, in spite of the obstacles which have been placed in its path, it has progressed—and in spite of discouragements it has remained hopeful, it has been able to survive and operate one of the most democratic social experiments that has been made. When community and popular industrial organization are evidently on the eve of a great expansion, this attention to basic social institutions is opportune. Whether the Social Unit idea is destined to prove a lasting one, or whether it is only one which in passing drops helpful suggestions,—already it has materially aided in bringing the democracy, genuine and efficient, it was its purpose to establish.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Parliament and Revolution. By J. Ramsay Macdonald. New York: Scott and Seltzer, The New Library of Social Science, 1920. Pp. 180.

Mr. Ramsay Macdonald's *Parliament and Revolution* may best be conceived as the resultant of a parallelogram of forces. On one side the author feels the stress of a strong conviction that Russian Bolshevism will never do for England, but he is quite well aware that many of his party comrades are hurrahing for Lenine and that it is advisable to let them down as easily as possible. On the other side he is thoroughly disgruntled with the English parliamentary system, particularly since the election of 1918. At the same time he realizes that this system must be used as the basis of the sweeping but peaceful transformation of society to which he looks forward. The resultant diagonal takes the direction, first, of an acceptance of the ends of Bolshevism coupled with more or less criticism of its methods; and, second, of a denunciation of British political and economic life coupled with certain proposals for its thoroughgoing reform.

In his palliation of Russian Bolshevism Mr. Macdonald uses all the old familiar arguments drawn from the horrors of the Czarist régime, the terrible losses inflicted by the war, and the subsequent malevolence of the capitalistic Entente. Thus with a rather naïve cocksureness he observes that: "The Recording Angel, who sees more truly than men see, has put down the crimes of the past years in Russia not to the Soviet Government, but to France, Great Britain and America, and on their doorsteps history will lay them." The Soviet franchise is defended both as necessary to give political support to the revolutionary government and as equivalent to basing the right to vote upon service. However no reference is made to the fact that the ballot in the hands of the Russian city proletarian is given five times the value of the ballot in the hands of the peasant, although the latter is certainly a "service-giver" from every possible point of view. Mr. Macdonald recognizes clearly the danger of the indirect system of electing the higher soviets. His principal criticism of Lenine's policy is turned, albeit with surprising mildness, against the use of repression. By implication rather than by argument the author seeks to leave the impression that, after all, Soviet repression is exactly the same in principle as capitalist repression, the only difference being in the classes chosen to feel the heavy hand of power. Morally both kinds of repression are equally bad; politically both breed revolution.

The general course of Mr. Macdonald's argument may be observed in the following sentences dealing with freedom of the press. "In the full sense of the term there is no such thing as liberty of the press. The press, as everyone of its many victims knows, is an instrument used to pervert opinion, the exceptions being very rare. But Lenine's methods of dealing with it cannot be accepted by anyone who believes in the regenerating power of liberty.—For a 'dictatorship of the proletariat' to compel the organs of a counter-revolution to publish articles telling the truth about the revolution is a far wiser and better paying policy than to suppress the pernicious sheets."

Mr. Macdonald's criticism of parliament and parliamentary elections, based as it is upon his long experience in British labor politics, is exceedingly well done. At times it reaches a poignancy of pessimism that recalls Jeremiah. Fundamentally, however, he is unwilling to give up representation of territorial districts in favor of the representation of groups of producers. Rather he prefers to combine the two, and to this end he proposes to substitute for the House of Lords "a Second Chamber on a Soviet franchise." With rather careful limitations he is willing to accept direct action in British politics, meaning thereby chiefly the political strike carried on by powerful trade unions in fundamental industries.

Mr. Macdonald's book should prove of interest to American students of politics. At the present time when we are entering upon a thoroughly old fashioned presidential campaign it will serve to bring out sharply the contrast between American and English political issues. So far as it involves the treatment of Bolshevism the book is too equivocal and at the same time too doctrinaire to please any group except Mr. Macdonald's own following in the I. L. P. It affords little warrant for the publishers' enthusiastic belief that "this book is as important a contribution for our day as was the essay on 'Liberty' by John Stuart Mill for his time."

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NEW IDEALS IN THE PLANNING OF CITIES, TOWNS AND VILLAGES. By John Nolen. New York: American City Bureau, 1919. Pp. 139.

This little volume was prepared as one of a series for the overseas army, by the Department of Citizenship, Army Educational Commission, when there were yet nearly as many Americans in France as there were in the colonies prior to the signing of the Declaration of Independence. When the rapid return of the men began, all such educational work was stopped; wherefore this book did not get to work. As its purpose was "to present fundamental principles, and stimulate intelligent study of the problems of citizenship," its publication was fully warranted; for lamentably few American citizens know enough of their privileges, duties and limitations!

Mr. Nolen is not only a successful working town-planner, but he has a gift of terse expression which has made his books very useful. The present volume was aimed at quickly impressing upon the chance man abroad as a soldier his opportunities at home, and its simplicity of statement will serve quite as well for the civilian.

At the outset Mr. Nolen impresses his readers with the fact that it is replanning rather than planning that is most to be done. There are eleven chapters, one of which reviews the federal government's housing experiments and sets out certain exceedingly important standards which are thus now made easily available at a time when the housing rush makes attention to them vital if we are to build homes rather than more slums.

This is a good book for the student, and the adept will find it also convenient to use in converting the doubtful. It would be a better work if it was not mechanically offensive by reason of its bad margins and untrimmed edges.

J. HORACE MCFARLAND.

✠

TOWN PLANNING: A PROGRAM OF CIVIC PREPAREDNESS FOR VERMONT COMMUNITIES. K. R. B. Flint. 1919. Pp. 70.

This pamphlet issued in the Norwich University Studies is another evidence of the mounting interest in practical citizenship which is such a hopeful sign of the times.

In succinct paragraphs are stated the working bases of town planning broadly considered, as may be noted in the recital of the twelve section headings, History of Town Planning, Principles of Town Planning, Community Organization, Local Government (which includes a survey of Commission-Manager and other forms, and the Vermont Town Manager law), Streets and Roads, Public Health and Safety, Agricultural Development, Town Forests, Industry and Trade, Social Life in the Community, Town Beautification, Where Your Community Can Get Help. There are also references for books and other aids.

So many subjects are tersely covered in this excellent pamphlet that one wishes it might be a national high-school standard rather than a state university requirement. Prof. Flint has made an admirable collection of the definite facts of community relations, and it is worth while to hope that other states will come to have as useful a publication.

J. HORACE MCFARLAND.

II. REVIEWS OF REPORTS

London Traffic.—An Advisory Committee on London Traffic appointed "to advise the Minister of Transport and to assist the Ministry in dealing with . . . London Traffic," held sessions from November 10, 1919 to March 18, 1920. The problem with which the committee was called upon to deal is stated as follows:

"(1) To co-ordinate and improve, by the promotion of friendly relations among all the Operating or Controlling agencies concerned, existing forms of London Traffic, so far as possible through powers already in existence.

"(2) To consider and recommend the action which should be taken to place the future control of London Traffic upon a permanent basis, either by the creation of a controlling Authority with specified composition and powers, or otherwise."

The subject matter of the report[1] is treated under four heads: work accomplished, present and future needs, financial considerations, and the London Traffic Authority.

Under "work accomplished" the committee outlines its recommendations for effecting improvement in present conditions by reducing the number and establishing regular stopping places for omnibuses; by the pooling of tram-cars and increasing their average speed, through tramway running, etc.; by spreading or reducing the rush hour "peak load" "by varying the times of beginning and ending the daily work of employes in certain classes of business." Other expedients were also considered which are of more or less importance.

While deploring the inadequacy of existing authority to properly deal with the problem to be met, the committee nevertheless believes it is entitled to claim that it has "brought into effective co-operation conflicting agencies which in the past have shown a tendency to regard each other as uncompromising competitors whose differing points of view seemed incapable of adjustment."

In discussing future needs, figures are given on the growth of "travel" on the different transit facilities of London, showing that these facilities "are no longer equal to the demand made upon them." To indicate the full significance of these figures a few have been selected for comparison. In the case of the Tube Railways, 69,000,000 passengers were transported in 1905, while in 1919 the number had increased to 266,000,000, an increase of 197,000,000, or over 285 per cent in fourteen years. In 1905 the number of "journeys per head" of the entire population by all means of transport was 157, while in 1919 this had reached 350, an increase of about 123 per cent in fourteen years. The population in 1905 was 6,857,694 and in 1919, 7,356,653—an increase of 498,959, or about 7½ per cent in fourteen years.

These statistics apparently well justify the declaration of the Report of the Select Committee (1919) that, "the outlook for travel facilities of the people of London, as regards congestion . . . is very disquieting, both in the immediate future and in the years to come."

After calling attention to the fact that "the Traffic Undertakings" of London are financially embarrassed and unable to extend their operations the Committee says: "London requires new tube railways, in all cases linking up with main line railways; new tramway extensions, which will make for greater carrying capacity; a more scientific development of omnibus traffic, and, above all, a just and true perception of the proper functions of each form of transit in order that wasteful competition may be avoided, and each used to its highest efficiency." Much of the "existing traffic confusion and congestion" results from a condition in which "each form of transport finds itself competing against every other form with less reference to the passenger than to the operator." "It must be established where, why and when train, tram or bus, respectively, is to be regarded as the most suitable form of transport."

In discussing the operation of the "Combine" (a pooling of certain interests and earnings) under war conditions the committee express the opinion "that with proper safeguards maintaining fair competition among all forms of transport, whether operated by the 'Combine' or otherwise, and with due publication and examination by the Traffic Authority of the returns and receipts of each constituent of the 'pool,' the interests of the public need not be prejudiced by such financial arrangement as that approved by Parliament for the 'Combine.'"

Admitting that the problem is complex, the committee says in reference to fares: "We do not suggest that the new Traffic Authority should have the power to fix or vary fares for the obvious reason that these control the methods of operation, and any Traffic Authority claiming powers to settle the terms on which passengers are to be carried must be prepared to subsidize or, in case of need to operate." It is not apparent why there is any great objection to giving the Traffic Authority the right to operate if it is to the general advantage or to the public interest that this be done. The committee appears to be under a slight misapprehension about the situation in Cleveland (Ohio) where, they say, "the Company operates the tramways belonging to the City. . . ." The fact is that the company owns the property and operates it, while the city regulates the service and fixes the fares.

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[1] Report of the Advisory Committee on London Traffic to Minister of Transport, London, 1919, 38 p., Cmd. 636.

It is not necessary to review the report in detail to gather that both the service and finances of London transportation are in little less than a chaotic condition as far as meeting present and future needs are concerned. And what is said in this report of London can be said with almost equal application of any large city.

One of the principal recommendations is the creation of a Traffic Authority to be appointed by Parliament as a permanent body under the Minister of Transport. The functions of the Traffic Authority would include the preliminary examination of bills affecting transport in the London area; making surveys and preparing plans for improving traffic facilities; the study of all town planning and housing schemes on the basis of "traffic grounds"; the preparation of an authoritative general development plan to which all new London transit schemes should conform; co-ordination of all passenger transport agencies; selection of traffic routes to be followed; fixing building or frontage lines on streets; application of remedies for impeded "street locomotion"; scientific research work in relation to the problems of transport and traffic; the right to initiate or oppose traffic legislation, regulations and by-laws, and to deal with the revision, simplification, codification, and extension of traffic legislation, regulations and by-laws now in force so far as the London area is concerned; the confirmation of all new traffic by-laws and the fixing of speed limits; arbitration in case of dispute regarding apportionment of costs of improvements affecting several areas; the approval of designs for road vehicles used for the transport of passengers.

While the committee has mapped out a fairly comprehensive program to govern conditions obtaining under the régime of ownership and operation by private interests for profit, it may be questioned whether this method of furnishing transportation service is not so fundamentally unsound that it can never be made to work satisfactorily in large cities. Can we, in other words, look to private interests to maintain adequate transport facilities in the vast metropolis of London or in any other great city? Transportation is "one of the most technical problems in modern civilization."

Charles K. Mohler.

⁂

Rural Community Buildings in the United States.—At a time when men are thinking in terms of community organization, and local democratic effort is looked to for the answer to many social problems, it is gratifying to find the United States Department of Agriculture publishing the results of a study on community houses in rural neighborhoods. ("Rural Community Buildings in the United States," by W. C. Nason, United States Department of Agriculture, and C. W. Thompson, Bulletin no. 825.) The interest in rural community houses is an increasing one; for of the total of 256, 248 have been built since 1900, 201 since 1910 and 90 since 1915. The great majority of them are products of the last ten years. The war probably reduced the number built during the period of the struggle, but the community spirit that was born in so many places as an outcome of the war will undoubtedly result in the erection of many community houses in the next decade.

The study does not mention the community houses listed by the bureau of community memorials of the war camp community service; houses built, as may be surmised, partly as memorials to those who gave lives or services in the great struggle.

It is to be borne in mind while considering the recent development of community house building in rural districts that a somewhat similar growth has taken place in cities. There has not been the universal response in the cities that there has been in the rural districts and because of the number of organizations found in urban situations the city community house is apt to be more of a co-ordinating center of organizations and to take a less prominent part in the life of the community than in the country.

Another consideration to be borne in mind while reading the conclusions of the study is that many of the community houses listed are not in what would be strictly speaking rural communities. Some of the communities mentioned are suburban or small manufacturing towns rather than neighborhoods depending, directly or indirectly, mostly on agriculture. Of the 256 buildings 201 are in places of 2,500 inhabitants or less; 83 are in the open country. It is interesting to note that 25 are school community buildings, 29 are church community buildings, nine are farmers' fraternal society buildings, and eight are library and community buildings.

The bulletin gives a very favorable impression as to the success of efforts for community houses and in general this is undoubtedly justifiable. On the other hand those interested in community organization know that buildings termed community houses have not been entirely successful in eliciting general support and interest. It is to be hoped that later studies will indicate what methods of organization and financing are most productive of general participation in the support, control and operation of the house and its activities.

Five ways of financing are listed by the study, namely, (1) By local manufacturing concerns, usually having in mind the welfare of employes; (2) Through individual donations or partly by individual donations; (3) Through club or society initiative. Often these buildings have been erected primarily for the use of the specialized organization and the burden of building and support has fallen largely upon it. Its use also has been primarily for the specialized organization. (4) By the local government; (5) Through community endeavor, in which case money is secured either by sale of stock in a community organization or through the solicitation of general contributions in the form of labor or materials or cash.

Because autocratic control of a community house may preclude the development of a democratic community spirit and the formation of the ability to work together on the part of the people of the neighborhood, it is to be hoped that the fourth and fifth method of financing will be developed much more extensively and that manufacturing concerns, individuals or organizations which initiate community enterprises will as rapidly as possible put the administration and the obligations of the community houses, financial as well as other, into the hands of representatives of the community.

The size of the buildings, the cost of construction and the budgets necessary for their maintenance vary considerably. In general, according to the study, from 5 to 10 per cent of the initial cost of the plan must be paid out annually for maintenance. Most of the buildings, especially those found in the open country, contain an auditorium, an athletic room or a dance hall. Many of them include a stage and a kitchen equipped for serving. Sometimes there is a library, reading room, a game room, a woman's rest room and rooms which serve as meeting places. In strictly agricultural communities some of the houses have agricultural exhibit rooms or rooms especially for the county agricultural agent or the county home demonstration agent.

The general conclusion of the study is that: "If the value to the neighborhood of a community building is to be estimated by the uses to which it is put and the needs which it satisfies, then this study would indicate that the community building as a general rule must be accorded a high place. Not all communities which own them are awake as yet to their potential possibilities, but there are enough examples of efficient use combined with far-reaching plans to warrant the conclusion that they will prove to be effective instruments in the improvement of rural social conditions."

The work of the authors is to be commended and the Department of Agriculture urged to continue studies of this kind and especially to carry this particular study further. There is no one method or plan of building or organization that will fit all situations, but it would be very helpful if the department could indicate the types that have been most successful under certain conditions. The bulletin is descriptive, largely of building, form of organization, type of activity, etc. It would be very helpful to know much more about the organizing experiences of those who took the lead in each instance.

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✣

Street Trees. By F. L. Mulford, Horticulturist, United States Department of Agriculture. Bulletin No. 816, issued by the Bureau of Plant Industry, January 19, 1920. Pp. 58.

It is an encouraging sign of the times that even that department of the federal government devoted to the open country begins to recognize the desirability of giving attention to the half of us who live in cities. This bulletin on street trees could not, by anything but a remote stretch of relationship, be considered as applying to the practice of agriculture throughout the land, but it is none the less an important and desirable contribution to the comfort, health and advantage of those of us who buy the farmer's products.

In scanning this bulletin one is impressed with the idea that the United States cannot be considered as a unit in making individual recommendations. Street trees for the Middle States are one thing, but street trees for the far South or the far North, or for the Pacific Coast or the wind-swept plateaus of the Northwest, are another and very different thing. Mr. Mulford has endeavored to give separate treatment to all these regions. A carefully made zone-map outlines the regions within which essentially similar conditions for tree growth are assumed to exist.

It is not necessary to agree with all of the conclusions of the author to know that the bulletin itself is both wholesome and important and worthy of large circulation. It briefly discusses the importance of shade trees, with pictorial examples not too excellent in their photography or reproduction; insists that trees should be publicly controlled and that the streets should be planned for trees; that proper spacing should be adopted and proper conditions be provided for tree growth; and then rather extensively discusses the kinds of tree suitable for city streets. This latter section takes up all the regions outlined in the map referred to.

The important subjects of pruning and of guarding the tree against injury while it is attaining strength, are well treated. There is some information with respect to fighting tree enemies, and an excellent bibliography of related bulletins issued by the United States government.

The information thus summarized in this bulletin of fifty-eight pages might easily form the basis of a book to cost a dollar or more. It is supplied by the Superintendent of Documents of the Government Printing Office at 15 cents per copy, and is commended to those who want to help make cities better to live in and American street trees better to look at.

J. Horace McFarland.

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Ball Rent Law Held Unconstitutional.—The act of congress of October 22, 1919, known as the Ball rent law and establishing a rent commission has been declared unconstitutional by the court of appeals of the District of Columbia. Under the act the commission is authorized to determine and fix fair and reasonable rates; to prolong tenancies beyond the expiration of leases; to prescribe the standard forms of leases and to grant permissions and determine rentals for sub-tenants. The decisions of the commission are subject to appeal to the court of appeals of the District. The act declares that all rental property is effected with a public interest and is accordingly subject to such peculiar regulations and conditions as to fair and reasonable charges and service as usually attend such properties. The fact that the Ball act is being used as a model by city attorneys and city councils for ordinances to check rent profiteering gives added significance to the decision of the court of appeals.

The case arose through the suit of a purchaser of a certain property to recover possession from the tenant, whose lease had expired. The municipal court gave judgment for the defendent and plaintiff appealed, denying the constitutionality of the act.

The majority decision held that the renting of property in the District of Columbia is a private business, whether the tenant be an employe of the government or not, and cannot be made public or impressed with a public interest merely by legislative fiat. The act is therefore unconstitutional.

In a dissenting opinion Chief Justice Smyth held that the business of renting property in the District of Columbia is effected with a public interest and was made so by emergencies growing out of the war resulting in rental conditions dangerous to public health and embarrassing to the public business.

The power of the commission to extend leases was the only question involved in this case and the specific fixing of rental prices by the commission was not considered.

The United States supreme court declined a writ of error on technical grounds. In the meantime the rent commission is functioning as usual. It is believed that before long the court of appeals will hand down a decision concerning the rent-fixing part of the Ball act which can then become the basis of an appeal to the United States supreme court.

⁂

Campaign Opens for Fifty Ward Law for Chicago.—The Chicago council now numbers seventy, two aldermen being elected from each of the thirty-five wards. At present the wards show great inequalities of population. The smallest contains a population of 35,000; the largest 150,000. Naturally, a council elected on this present basis is reluctant to pass a fair redistricting ordinance.

A campaign, backed by numerous civic organizations of Chicago, including the city club, the bureau of public efficiency and the municipal voters' league, is under way to compel a second referendum on the fifty ward law, passed by the last legislature. A similar referendum failed to approve the law a year ago.

The law provides that the council redistrict the city into fifty wards within three months after the adoption of the act by the people. Only one alderman is to be elected from each ward thus reducing the size of the council. The pay of aldermen is to be increased from $3,500 to $5,000 and the term will be two or four years, as the referendum may determine.

It is estimated that the saving through the adoption of the act will be more than $400,000 every other year by the elimination of annual elections. It is believed that a fair redistricting under which outlying residential territory will secure equal representation in the city council will lead to marked improvement in the personnel of that body, and that single member districts will mean definite location of responsibility upon members of council.

⁂

Seattle Monopolizes Garbage Collection.—The Seattle council recently passed an ordinance after much controversy providing for the collection and sale by the city of garbage from all restaurants. It was strenuously opposed by hotel and restaurant men who asserted that the city in taking over the collection and sale of garbage from their places of business will deprive them of a source of revenue aggregating $200,000 annually. Under the old system, the owners of eating-houses sold their garbage by contract to owners of hog ranches. Advocates of the ordinance declared it necessary as a public health measure in order to give the city jurisdiction, so far as sanitary measures are concerned, over hog ranches.

Under the ordinance as passed, the city of Seattle is given exclusive right, through its authorized agents, employes and contractors, to collect garbage within the limits of the city and to transport the same over public streets and to dispose of the garbage thus collected. All others are forbidden under penalty of the law from collecting garbage.

*

Chicago's Equal Representation in the Legislature seems about to be denied by the constitutional convention now being held in Illinois. The committee report limiting Chicago's representation to one third of the senate and to one less than a majority in the house of representatives was adopted once but later reconsidered and now awaits final disposition when the convention reassembles in the fall.

In protesting against such action, the citizens' association of Chicago predicts:

> "Should that proposal be finally adopted as a part of the proposed new constitution it will undoubtedly meet with defeat when submitted to the voters of Cook county and will be likely to carry to defeat the remainder of the proposed new constitution."

Unable to agree on the degree of Cook county limitation the convention adjourned until September 21, but it is feared that little will be accomplished during the election campaign and that the work of the convention will be delayed.

*

Rochester, New York, Adopts Service at Cost.—Rochester has entered into a service at cost agreement with the New York state railways, the corporation which operates the street car system of the city, to extend for a period of two years, subject to renewal if the city so desires.

The agreement goes into effect immediately. It provides for a commissioner of railways appointed by the mayor at a salary of $12,000 per year to be paid from the revenue from the street railway lines. The commissioner of railways has practically absolute control over the operation of the lines, being empowered under the terms of the agreement to direct the construction of extensions and betterments, the routing and re-routing of cars, the headways, stops, etc. He is empowered also to employ a staff sufficient to keep him thoroughly informed as to the operation of the lines, but is not permitted to operate the lines as executive.

*

Louisiana to Tax Industries Extracting Natural Resources.—A bill establishing what is known as a license severance tax has become law in Louisiana. It levies a license tax annually upon all persons or firms engaged in extracting natural resources from the soil or water, including timber and forest products, at the rate of 2 per cent of the gross value of the natural resource extracted. It is expected to bring to the state between two and three millions dollars annually and the proceeds are to be devoted to the construction of a greater agricultural college and to extensive improvements in the state charitable institutions.

II. JUDICIAL DECISIONS

Zoning Regulations in Detroit.—The common council of Detroit enacted a general zoning ordinance providing for the protection of certain sections where more than 60 per cent of the frontage in any particular block was residential. The city plan commission was preparing a comprehensive zoning law, but to save certain streets from factory encroachment, this emergency ordinance was passed. Its validity was defended on the city's implied police powers. The court held that notwithstanding the constitution gives general powers to regulate municipal concerns, or the so-called home rule act, providing for protection of public health and property, and for regulation of trade and occupations, the city of Detroit was without authority, under the guise of its police powers, to impose restrictions on otherwise unrestricted property by a general zoning system excluding trades and business from particular areas.

Telephone Rates.—The Virginia state corporation commission took into consideration the probable loss in the number of subscribers to a telephone system indicated by the results of a previous increase in rates, in connection with a proposed further increase since the value of the service to the remaining subscribers would be lessened, and they would be obliged to carry the burden of increased operating costs per telephone.[1]

✣

Sale of County Bonds.—Under a Minnesota statute counties are granted power to issue and sell bonds for the purpose of refunding their floating indebtedness, but the bonds cannot be disposed of for less that their face value with accrued interest. The county board of Cook county contracted to have an agent prepare and market the bonds, engrave them, and have a competent bond attorney pass upon their validity, and as compensation he was to receive one-half of 1 per cent yearly on the bonds issued. The court held that the grant to issue and sell bonds carried with it implied powers to make such a contract, if it appeared reasonable and necessary for properly disposing of the bonds.[2]

✣

Pasteurization of Milk.—The validity of a Milwaukee ordinance, requiring that all milk sold in the city be pasteurized by either the holding, or the flash system, was attacked on the grounds that the prescribed pasteurization does not promote the public health, because the milk subjected to it is deteriorated as a food product, and that it in no way tends to make or preserve the milk as a more healthful article of food. To this the court replied, that the best method of pasteurizing is so generally understood and known that judicial notice of the facts thereof will be taken.[3] The objection to the method adopted by the common council for the pasteurization of the city's milk supply cannot avail in this case for holding the ordinance invalid, because that subject is one within the legislative power of the common council under the powers conferred by the city charter.

✣

Crowded Street Cars.—In the great majority of cases, the courts have regarded the overcrowding of street cars as a controlling, or at least, as a material element in determining the liability of a street railway company for injuries to passengers caused by or resulting from such over-crowding. In a recent Massachusetts case the court held the company not liable for injury to a passenger pushed out of the door by the crowding of the passengers when the door opened to discharge passengers at a stop.[4] The theory seems to be that over-crowded street cars during "rush" hours is a common experience, and that the test must be whether or not there was reason to expect that anything unusually dangerous would happen.

✣

War Veteran Preference Law.—A statute enacting that no honorably discharged soldier, sailor or marine in public employment shall be removed, except for cause and after a hearing, was held not to preclude the abolition by the proper authorities of an office or position held by one of the designated class, provided, however, that such action is taken in good faith and for the betterment of public service.[5]

Robert M. Goodrich.[6]

IV. MISCELLANEOUS

The New York State Conference of Mayors and other city officials held its eleventh annual meeting in Jamestown in July. Central purchasing, municipal bonding and taxation, budgets, pensions and the educational problem were the principal matters discussed.

The mayors' conference working through various committees is proving a potent force in New York politics. During the past year it successfully resisted several attacks on the home rule principle in the form of mandatory laws which would have increased the cost of city government contrary to the wishes of the cities, as well as effectually opposing further extension of tax exemptions and increased privileges to certain privately owned public utilities. The city officials have every confidence that municipalities can manage if free from outside interference and if all activities of local government are centralized in their hands. To this end they oppose attempts of the state department of health and state department of education to create separate governmental agencies to administer local functions.

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[1] P. U. R. 1920C.

[2] 177 N. W. 1013.

[3] 177 N. W. 850.

[4] 123 N. E. 681.

[5] 89 Atl. 53.

[6] Detroit Bureau of Governmental Research.

◆

Chamber of Commerce Conducts Civic School.—The chamber of commerce of Middletown, Ohio, has started a "civic school" to inform the people of the city on affairs of state. At the first meeting the financial condition of Middletown under the Ohio tax limit laws was discussed. Both men and women attended. Questions were asked by the "scholars" and answered by the "instructors." The "school" was opened by serving a buffet supper, and further sessions are planned, to be devoted to local, state and national subjects. The promoters believe that civic indifference springs from ignorance of political matters and have taken this means to acquaint the citizens with the fundamentals of government.

◆

Local Government Officers Organize Trade Union.—By a vote of 23,000 to 7,000 the National Association of Local Government Officers of Great Britain has decided to transform itself into a trade union. This association has been quite powerful in the past and includes such important local officers as city treasurer, town clerk, and departmental superintendents. In this connection the *Local Government Service* reports that Whitley councils continue to be formed in the public service similiar to those in private industry.

◆

The Southwestern Political Science Monthly.—The first issue of this magazine, published by the southwestern political science association, has made its appearance. It is to be devoted particularly to the political problems of the southwest. The first number contains articles by H. G. James on the Meaning and Scope of Political Science and by F. F. Blackly on Municipal Home Rule in Oklahoma.

◆

In the editorial caption of the article "The Medical Examiner Versus the Coroner" by Charles Norris in the August issue of the NATIONAL MUNICIPAL REVIEW the reference to thousands of homicide cases was an error. It should have been hundreds.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

These short stories are compiled from reports appearing in the year-books of the City Managers' Association. The series began in the May issue of the REVIEW, *and covers the entire country by sections. The October chapter will be entitled: "Pacific Coast Cities under Manager Government."* :: :: :: :: :: :: ::

IV. TEXAS AND OKLAHOMA TURN TO MANAGER PLAN

THERE is no stronger evidence that the manager plan is here to stay than the fact that nowadays whenever a charter is to be drafted or revised it seems to be taken as a matter of course that it shall conform to the city manager idea. The oil fields of Texas and Oklahoma bear striking witness to this development. Texas now has 19 city manager municipalities and Oklahoma 13. Of these 32, 13 have adopted the new form within the past 18 months and many other cities will vote upon the change in the near future. It is also significant that several cities formerly operating under the older commission plan have advanced to the ranks of commission-manager municipalities.

TEXAS

Amarillo, Texas, was the first city in the country to discard its old style commission government for the more modern commission-manager model and for a period of one month was the largest city in the country to have a city manager. All but two of the Texas cities have entered the list by adoption of new charters. The "lone star" state stands next to Michigan, having the second largest number of cities pledged to the manager plan.

Oil Town Incorporates under Manager Plan

RANGER. Population, 18,000. Commission-manager charter effective May, 1919, with M. A. Turner, manager; salary $5,000.

The population of Ranger increased from 1,000 to 18,000 within two years and at the time of adopting its new charter it was the largest unincorporated community in the country. The rapid growth, due to the oil industry, has created a series of big problems to be handled by the city government.

The business methods made possible by the manager plan have permitted the handling of these problems with despatch and at the bond election held last September nearly $1,000,000 was authorized for paving and for public improvement.

A peculiarity of the Ranger charter is that it stipulates that all employes including the city manager be residents of the city prior to their appointment. It is explained, however, that a declaration of intention to make Ranger his home may qualify a candidate for appointment and he may enter upon his duties fifteen minutes later if the council consents.

Mr. Turner is 45 years old and experienced in public welfare and chamber of commerce work. He has recently resigned as manager and his successor has not been announced.

Adversity Proves Manager Plan Flexible

San Angelo. Population, 16,500. Commission-manager charter effective June, 1916. E. L. Wells, Jr., manager; salary $2,500.

During the past year the city authorized $500,000 water and light bonds in continuance of the improvement program adopted following the war.

Shortly after the adoption of the new plan, San Angelo suffered the worst drought in the history of the southwest. The manager plan showed its efficiency by allowing immediate retrenchment of expenses.

The duties of tax collector and tax assessor were taken over by the manager. The bookkeeper was made city secretary, the chief of police became also sanitary inspector, the city engineer became fire marshal, and the forces and expenses in general were reduced.

Had any of the deposed officers been elected or appointed because of political affiliation, their summary removal would have been difficult, if not impossible. The drought is now broken, and a program of improvements is under way.

In spite of these handicaps, the following achievements are noted: installation of the unit system for tax valuation; institution of a budget system; organization of municipal health board; and complete motorization of fire department.

A surety company was required to repair pavement at cost of $9,000, and legal proceedings started against other surety companies to recover costs of similar repairs covering several years. Some $100,000 worth of wood pavement was relaid and a modern sewage disposal plant erected.

The fire insurance key rate was reduced from 56 cents to 31 cents and the city secured from the state fire insurance commission a good fire record credit of 15 per cent on the total amount of all premiums written during the past two years, at an annual saving of $10,000 to the citizens.

An attempt to overthrow the manager plan was defeated by a large majority in July, 1918. At a recent bond election, the city voted $500,000 to establish a water and light plant.

Mr. Wells is 51 years of age and had a long business career before becoming manager.

A Record That Won Approval

Sherman. Population, 15,031. Council commission-manager charter effective, April, 1915. O. J. S. Ellingson, the second manager, was appointed April, 1916; salary $3,600.

At the spring election last year the manager plan was strongly endorsed by an overwhelming vote for the citizens' ticket consisting of friends of the new form. A pamphlet called "Facts and Figures," published at the time of this campaign, contains the following information:

During the five years since the adoption of the plan the tax rate not controlled by the city administration increased 23 cents while the general and street funds for which the council and manager are responsible had decreased during the same period five cents. Every employe in every department of the city has had his pay increased from 20 to 25 per cent within the past two years.

Three miles of streets were paved, two new streets opened, and a steel bridge with concrete piers constructed. A complete city survey with establishment of permanent street and sidewalk grades has been made. A fire department has been motorized and a complete 44 station fire alarm system costing $40,000 has been installed. A real "white way" has been constructed.

Bids for the construction of an underground, reinforced concrete covered reservoir for the water works, having a capacity of 1,300,000 gallons, were received. The manager decided he could beat the figures submitted and the city constructed its own reservoir at a saving of hundreds of dollars. Two miles of new water mains have been laid and 50 added fire hydrants installed. The entire water system is metered, 800 new meters having been recently purchased. Motor equipment has been introduced in many departments with noticeable economy.

Parks and playgrounds have been enlarged and improved and a municipal cemetery developed on the "park and lawn" plan.

A new sewage disposal plant of the most approved type has been constructed under the supervision of the city manager, sanitation and health have been increased by systematic collection of waste and strict enforcement of inspection laws.

Mr. Ellingson, the manager, is 36 years of age and a civil engineer. He served as city engineer of Sherman for six months before his appointment as manager.

No More Deficits for Tyler

Tyler. Population, 12,085. Commission-manager charter effective April, 1915. Henry J. Graeser, the second manager, was appointed August, 1918; salary $3,600.

For the first time in many years Tyler has operated without a deficit and will have $32,000 more for improvements from current funds during 1920 than during 1919.

The Tyler charter specifies a definite term of two years for the city manager and evidence that the plan is meeting with general approval is to be found in the fact that the manager has been reemployed for a second term at increased salary.

Mr. Graeser is 43 years old and trained in engineering.

New City Under New Plan

Eastland. Population, 12,000. Commission-manager charter effective January, 1919. Walter Lander, manager; salary $6,000.

A little over a year ago, Eastland was a village of less than 1,000 people. Like Ranger its growth has been unique. A letter received from the manager last fall states:

"We are commencing the erection of a $100,000 city hall and construction of $600,000 street cleaning. We have completed our sewer system and extended our water works 200 per cent in the last six months."

Mr. Lander is 51 years old and trained in general business and banking. He served as city manager at Yoakum, Texas, from 1915 to 1918. His salary has recently been increased from $4,800 to $6,000.

Save Over $2 Per Capita, First Year

Taylor. Population, 8,200. City manager charter effective April, 1914. A. V. Hyde, the third manager, was appointed April, 1918; salary $2,000.

The new plan began operations with no money in the treasury and a debt of $10,000. The fee system has been abolished and the first year ended with a surplus of $7,000. The city operates on a strictly cash basis; the manager does all buying on competitive bids. A modern accounting system has been installed and an annual audit instituted.

Mr. Hyde is 37 years old and an accountant by training.

$300,000 Brick Paving

Electra. Population, 7,500. W. H. Larson was appointed manager May 7, 1919. He was followed in June, 1920, by E. D. Kelley; salary $4,200.

Upon adopting the new plan, Electra undertook a program of improvements including the construction of $300,000 brick pavement which will be completed the first year.

Mr. Larson is 32 years old, a civil engineer, and experienced in construction work. He held the dual position of city manager and city engineer at Electra.

High Percentage of Improvement

Yoakum. Population, 7,500. Commission-manager charter effective April, 1915. J. V. Lucas, the second manager, was appointed November, 1919. Walter Lander, his predecessor reported:

"Our people as a whole say no comparison between old form and commission-manager form. Decreased our tax valuation 9 per cent; decreased our tax rate 10 cents; decreased our bonded indebtedness 12 per cent; increased permanent improvements out of general fund 25 per cent."

Improvements Paid for by Earnings

Bryan. Population, 6,295. City manager charter effective July, 1917. E. E. McAdams, in June, 1920, was appointed manager as successor to J. W. Greer, who was recently promoted to Tallahassee, Florida.

During 1919, Bryan continued to live within its income.

Two miles of sewer extensions have been made and a successful sewage disposal plant placed in operation.

The water system has been so improved that the cost of pumping has been greatly reduced and the supply increased. An incinerator has been erected and is operated without cost of fuel as the waste itself is utilized.

A patrol system keeps the streets in first-class shape and regular collection of trash enhances the appearance and sanitation of the city.

The city has paid off its remaining floating debt of $20,000, inherited from the old style of government. To quote Mr. Greer:

"Bryan now has no floating debts; pays cash as it goes; operates on the budget plan; lives within the budget; discounts its bills and does business in a business way. It always has money in the treasury to meet its obligations; invests sinking funds in its own securities at 4 and 5 per cent; keeps little money idle with the treasurer (a bank which pays 2 per cent on daily balances)."

Prohibition cut off one-fourth of the city's revenues, by loss of license fees and police court funds. However, crime has diminished and business is better in all lines.

Bryan collected from a bonding company on a five year paving maintenance bond and resurfaced pavement to first-class condition. Sold $90,000 schoolhouse bonds to advantage; constructed high school building costing $103,000, containing baths, gymnasium, manual training and domestic science department, and auditorium of 2,000 seating capacity. Constructed nine public comfort stations and rest rooms.

The city did not increase the rates for water and light service during the year, yet from the profits, the city furnishes all public water including street sprinkling, all street lights including one-half mile of "white way," without charge to the taxpayers; provides for interest and sinking funds on the bonded debt; makes all extensions to plants; sets aside 7 per cent for depreciation and has net balance in the bank of more than 12 per cent on the investment. The city cemetery has been increased by three acres, "although this is a city of live wires."

Before leaving Bryan, Mr. Greer reported: "We carried the power plant bond issue, bought the plant, started operating it October 1 and cut the cost of production to the city 60 per cent the first month. This insures the return of the full purchase price of the plant and its improvements to the taxpayers out of earnings alone in about seven years. The cost of the plant was $100,000."

Paid Debts and Established Credit

Lufkin. Population, 4,878. Commission-manager charter effective April, 1919. Lequin Mitchell, manager; salary $3,600.

After five months under the new plan the manager reports: "Paid off $53,000 old debts of the city and re-established our credit; ordered $100,000 bond election for street improvements; added 122 new water customers to the books; completed plans to purchase sewer system from private company; started building campaign and permits issued so far this year exceed those over corresponding period of preceding year by 63; helped to organize a successful chamber of commerce and a building and loan association."

Mr. Mitchell is 29 years old, a graduate engineer and served as city manager at Mangum, Oklahoma, prior to his appointment at Lufkin. He has recently resigned.

Nine More Texas Towns

Beaumont. Population, 40,422. Council-commission-manager charter effective April, 1920. George J. Roark, formerly manager of the Beaumont Chamber of Commerce, has been appointed manager; salary $8,000.

The Beaumont charter closely follows that of Sherman, Texas, in providing for a large council which in turn selects two of its own members who serve with the mayor as a commission. This commission appoints the manager and co-operates with him more closely than does the larger council.

Amarillo. Population, 15,494. Commission-manager charter effective December, 1913. J. G. Colby, the sixth manager, was appointed June, 1920; salary $2,900.

Brownsville. Population, 13,180. Commission-manager charter effective January, 1916. George Grupe, the third manager, was appointed February, 1920; salary $5,000.

Mr. Grupe is an engineer by profession. He was superintendent of the water works system at Cleburne, Texas, prior to his appointment as manager.

Terrell. Population, 8,400. Commission-manager charter effective April, 1919. J. P. Kittrell, manager; salary $2,400.

Brownwood. Population, 8,225. A modified charter effective April, 1916. E. B. Brasher, the third manager, was appointed February, 1919; salary $2,400. He has resigned.

Denton. Population, 6,830. Commission-manager charter effective April, 1914. H. V. Hennen, the third appointee, with the title of "mayor" instead of manager, assumed duties January, 1919.

Stamford. Population, 5,000. Commission-manager charter effective June, 1918. H. J. Bradshaw, the second manager, was appointed last year; salary $3,000.

Teague. Population, 3,760. Position of manager created by ordinance April, 1915. C. E. Johnson, the third manager, was appointed last year.

Lubbock. Population, 2,880. Commission-manager charter effective 1918. Martin S. Ruby, manager.

OKLAHOMA

Eleven of Oklahoma's 13 manager cities have adopted standard commission-manager charters. Another, Weatherford, was already operating under the commission plan and simply created the position of manager by ordinance. Several of these Oklahoma cities experimented with the commission form before advancing to the commission-manager plan.

Manager Removed from Political Influence

Mangum. Population, 4,770. Commission-manager charter effective November, 1914. R. B. Snell, the fourth manager, was appointed January, 1919; salary $1,800.

The city attorney writes:

> The city manager form of government which has been in operation here for the past six years has in my opinion been overwhelmingly superior to the councilmanic form of government theretofore existing.
>
> The principal advantage obtained by this form of government has been to place the responsibility of handling the details of the government in the hands of one man who is required to devote his entire time and attention to the city's business.
>
> The manager is completely removed from politics and political influence in so far as it is humanly possible; hence you can readily see the multitude of advantages to be obtained by the city under that kind of management; it saves money, strife and political preferment.

Mr. Snell is a mechanic by trade and served as commissioner prior to his appointment.

Swap Horses toward Motor Truck

Coalgate. Population, 4,000. Commission-manager charter July, 1914.

Leslie E. Ray, the third manager, was appointed August, 1919; salary $1,620.

When the present manager assumed his duties, the various city departments were in badly run down condition. The water supply was so meager that it could be furnished for domestic purposes only about six hours a day. The street lights refused to burn without constant coaxing, the sewer system was stopped up in several places, the disposal plant was out of business, and the streets in bad shape.

During the past four months the water system has been overhauled, the supply increased 20 per cent, storage basins kept filled, and operating expenses reduced 16⅔ per cent. Street lighting has been greatly improved by the appointment of volunteers in the various sections of town who report defects at once so that the city is now well lighted. The sewers have been cleaned and flushed and the disposal plant is about to be rehabilitated.

The city has graded 46 blocks of dirt streets and hard surfaced two blocks through the co-operation of property owners. Several new culverts have been constructed and additional paving contracted for.

The fire equipment consisted of two old horses about 14 years of age, one worn out fire wagon, 2,000 feet of hose, one chemical tank and two ladders. The manager swapped the horses to a farmer for $50 more than the price set by the city commission, bought a motor truck and equipped it with the body of the old wagon, a chemical tank and hose and thus has motor fire apparatus. As to the saving, the manager writes: "It was costing the city about $2.00 per day to keep the team and it is now costing us an average of $8.00 per month to keep the truck. This will be reduced as soon as the firemen get through showing it off. They are proud of it and enjoy driving it through the streets and letting people know what became of Ned and Dan and $1,700 of city funds."

In Coalgate, the manager is obliged to serve also as police judge. It is noteworthy that during the past eight months the fines have amounted to $995 whereas for the full year preceding they totaled but $358.

Mr. Bay is 33 years old and served 18 months as secretary-treasurer of Coalgate before promotion to the office of manager. He is also experienced in management of public utilities. He writes: "The new plan has proved to be more efficient economy and satisfactory to the taxpayers."

Start Improvements at Once

WALTERS. Population, 3,600. Commission-manager charter effective September, 1919. W. B. Anthony, manager; salary $3,000.

Within the past 12 months the population has trebled on account of discovery of oil. Since the new plan became effective, $45,000 has been spent for improvements to the water works, electric light system and sewers and an additional $75,000 may be spent soon. Natural gas from the city's own fields is used as fuel for both domestic and manufacturing purposes. The city also has authorized the paving of 56 blocks and specifications have been prepared.

Mr. Anthony is 48 years old, a business man. He served eight years as mayor of Marlow, a neighboring Oklahoma town and held important state offices. He writes: "While the manager form is still on trial in Walters, I am positive that the beneficial results secured so far have convinced every observant citizen of the wisdom of this plan of government."

Turn Deficit into Gain

WEATHERFORD. Population, 3,000. Position of manager created by ordinance of the commission July, 1917. Glen A. Critchfield, the third manager, was appointed June, 1919; salary $1,700.

Under the new plan the tax rate has been kept below the allowance of six mills whereas formerly it was necessary to vote extra levies. The saving has been large enough to permit the motorization of all street and fire equipment.

The water, light and ice plants have been put on a profit making basis and show a net gain of $3,000 the past year as compared with a previous annual loss of more than $7,000.

Mr. Critchfield is 26 years old and an electrical engineer.

Oklahoma's Other Nine

MUSKOGEE. Population, 50,000. Commission-manager charter effective April, 1920. R. P. Harrison is city manager; salary $6,000.

Mr. Harrison previously served as clerk in the United States district court and has had long newspaper experience.

McALESTER. Population, 19,000. Commission-manager charter effective November, 1919. E. M. Fry, manager; salary $5,000.

Mr. Fry is 45 years old, is a trained surveyor, and was assistant superintendent of the Oklahoma state penitentiary prior to his appointment.

NOWATA. Population, 8,000. Commission-manager charter effective April, 1920. James C. Manning, the manager, previously served one year as manager at Hays, Kansas. He is 39 years old and an engineer experienced in public utilities. His salary is $4,200.

NORMAN. Population, 6,240. Commission-manager charter effective September, 1919. W. J. Gater, manager.

Mr. Gater writes: "The manager form is proving to be a great success and will make a saving of about $1,200 this year."

DUNCAN. Population, 3,500. Commission-manager charter adopted April 28 by a vote of 338 to 187. The salary of the manager is placed at the minimum of $3,000.

SALLISAW. Population, 3,000. Commission-manager charter effective November, 1919. Fred E. Johnston, manager; salary $3,000.

Mr. Johnston is a graduate engineer and served as captain of engineers overseas. He is 31 years old.

COLLINSVILLE. Population, 2,500. Commission-manager charter effective January, 1914. F. A. Wright, the second manager, was appointed May, 1916; salary $1,800.

Mr. Wright is 35 years old and was an accountant and newspaper man before becoming manager.

MADILL. Population, 1,760. Commission-manager charter effective November, 1917. A. P. Marsh, the third manager, was appointed May, 1918; salary $1,800.

Mr. Marsh is 52 years old and was formerly a wholesale merchant.

ERICK. J. A. Richardson has been employed as city manager. He is 45 years of age, and has served six years as city clerk of Erick. The governing body is a board of trustees consisting of a mayor and two other members.

CHANGES IN THE CITY MANAGER FIELD

Changes in the city manager field not previously noted in these columns include the adding of seven new cities and the scratching off of two. This gain of five brings the total number of American municipalities now operating under, or pledged to, some variety of city manager government to 185.

Richmond, California, with a population of some 10,000, adopted the manager plan by ordinance on June 28. A manager was to have been appointed during July.

Colorado Springs, Colorado, population, 35,000, voted for a commission-manager charter July 6, to become effective in April, 1921. This was the third attempt and the majority in favor of the plan was a substantial one.

Kenilworth, Illinois, a wealthy residential suburb of Chicago, has provided for the village-manager plan by ordinance of the trustees and F. L. Streed, now assistant manager at Winnetka, Illinois, has been appointed manager to take office September 1.

Maquoketa, Iowa, has inaugurated the city manager plan by ordinance and G. O. Morse was appointed manager in July.

Mansfield, Massachusetts, voted 508 to 255 for adoption of the town manager plan on July 12. The plan becomes effective in January, 1921.

Pontiac, Michigan, population 34,273, has adopted a commission-manager charter, the first commissioner to be elected next November.

Hendersonville, North Carolina, has appointed G. W. Brooks as its first city manager. The plan has probably been put in effect by ordinance.

Concord, Massachusetts, reported in April as having adopted the manager plan, is still on the waiting list, and Sewickley, Pennsylvania, after trying the manager plan by ordinance for a year or so, is appointing no successor to W. M. Cotton who was transferred to the managership at Ambridge the first of the year. Sewickley may well be scratched from the list.

Personnel

Appointments to vacancies appearing in the April tables have been as follows: Dubuque, Iowa. O. E. Carr appointed May, 1920; salary $8,400. Mr. Carr thus becomes the second man to hold his fourth city manager position. He has previously served as manager of Springfield, Ohio; Niagara Falls, New York; and Cadillac, Michigan.

Grand Haven, Michigan. Paul R. Taylor, a civil engineer of Kansas City, Missouri, became Grand Haven's third city manager, July 15th; salary $3,500.

Lapeer, Michigan. Charles Hubbard was appointed in April at a salary of $2,000, to fill the vacancy created by the resignation of Ray S. Blinn last fall.

Elizabeth City, North Carolina. J. C. Commander, who served as city manager during 1915–16, has been reappointed at a salary of $2,400.

Muskogee, Oklahoma. R. P. Harrison, previously clerk in the United States District Court, was appointed manager in April; salary $6,000.

Nowata, Oklahoma. James C. Manning, formerly city manager at Hays, Kansas, was appointed manager in May at a salary of $4,200.

Beaumont, Texas. George J. Roark, formerly manager of the Beaufort Chamber of Commerce, was appointed city manager in April. His salary is at the rate of $8,000 per year for the first six months, and at the rate of $10,000 annually thereafter.

Springfield, Vermont. John B. Wright was appointed municipal manager in April; salary $3,600.

Bedford, Virginia. C. T. Venable became Bedford's first city manager in May; salary $2,800.

Lynchburg, Virginia. Edward A. Beck has been appointed to take office September 1. This is Mr. Beck's fourth position as manager and his promotion from Auburn, Maine, where he has served since February, 1919, is the thirty-fifth case of a manager's being transferred from one city to another. His first two cities were Edgeworth, Pennsylvania and Goldsboro, North Carolina. The Goldsboro position was won in competition with 522 candidates. The Lynchburg salary is $7,500.

Other changes in city manager personnel are:

San Jose, California. W. C. Bailey, who followed Thomas H. Reed as manager in July, 1918, has recently resigned after a successful administration. His successor has not been announced.

Sanford, Florida. C. J. Ryan, who had previously served twelve years as superintendent of public utilities at Lake City, Florida, was appointed as manager to succeed G. A. Abbott, in June. His salary is $3,900.

Hays, Kansas. A. W. Seng succeeds James C. Manning; salary $3,000.

Albion, Michigan. E. J. Mallory is Albion's fourth city manager. He was appointed in June to follow W. E. Baumgardner; salary $2,000.

Alpena, Michigan. W. E. Baumgardner, who had previously served two years as manager at Albion, Michigan, became Alpena's third manager in June; salary $4,000.

Eaton Rapids, Michigan. P. T. Mitchell follows O. S. Yager; salary $2,500.

Sault Ste. Marie, Michigan. Henry Sherman was appointed in July to fill the vacancy created by the promotion of W. M. Rich to Goldsboro, North Carolina; salary $3,400.

Roswell, New Mexico. Clyde Fulton succeeds A. G. Jaffa.

Watervliet, New York. Henry E. Gabriels has been made manager, succeeding James B. McLeese, who died recently.

Goldsboro, North Carolina. I. M. Cashell has resigned and W. M. Rich, previously manager at Sault Ste. Marie, Michigan, has been appointed; salary $4,500.

Hickory, North Carolina. R. G. Henry is Hickory's fourth manager; salary $3,000.

Springfield, Ohio. Edgar E. Parsons is Springfield's third city manager. He took office in July; salary $6,000.

LaGrande, Oregon. George Garrett follows John Collier as manager. His appointment in June makes five managers as LaGrande's record.

Sumter, South Carolina. Howard Stillwell is the sixth man to hold the position of manager. He follows W. T. Brown; salary $4,000.

Amarillo, Texas. Amarillo, Sumter, and Thomasville, North Carolina, tie for first place in frequent changes of city manager. Two men have held the position at Amarillo since the resignation of S. B. Motlow who resigned in April. The present incumbent is J. G. Colby, appointed in June; salary $2,900.

Bryan, Texas. E. E. McAdams was appointed manager in June. He follows H. A. Burger who has been acting manager since the resignation of J. W. Greer in February; salary $3,300.

Electra, Texas. E. D. Kelley was chosen manager in June. He succeeded W. H. Larson; salary $4,200.

Brigham City, Utah. John H. Burt has resigned because of ill health and is succeeded by his predecessor, C. O. Roskelley.

SALARIES

Salaries not previously announced are: F. G. Connelly, Estherville, Iowa, $3,000; C. J. Mackey, West Liberty, Iowa, $2,000; J. J. Curle, Cynthiana, Kentucky, $1,200; I. R. Ellison, Muskegon, Michigan, $4,250; Roy N. Stewart, Scobey, Montana, $2,100; H. J. Bradshaw, Stamford, Texas, $3,000; L. L. Theriault, Edmundston, New Brunswick, $3,000.

Salary increases have been reported as follows: Grant M. Lorraine, Alhambra, California, from $2,700 to $3,300; Maurice Lowman, Birmingham, Michigan, from $2,750 to $3,600; Fred H. Locke, Grand Rapids, Michigan, from $5,000 to $6,000; F. E. Cogswell, Pipestone, Minnesota, from $1,800 to $2,100; Oscar Dobbs, Clovis, New Mexico, from $2,700 to $3,600; R. L. Pickett, High Point, North Carolina, from $2,700 to $3,000; W. R. Patton, Morganton, North Carolina, from $1,800 to $2,100; M. H. Turner, Ashtabula, Ohio, from $3,000 to $3,500; W. T. Howie, Towanda, Pennsylvania, from $1,200 to $1,500.

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THE PRESIDENTIAL PRIMARY

RALPH S. BOOTS

Columbia University

A comprehensive examination of the presidential primary at work with proposals of reform

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THE PRESIDENTIAL PRIMARY

INTRODUCTION

The national conventions perform a function of extreme importance to the people of the nation. They select the two men from whom the voters select the president. But they are absolutely free from national regulation. Here is a strange situation. The constitution declares that congress may at any time make or alter regulations for the election of congressmen, but provides for the election of president that "each state shall appoint in such manner as the legislature thereof may direct, a number of electors. . . ." Thus the states seem to have complete control over the election of the members of the electoral college within their respective boundaries. The discretionary power of this body between the voters and the president has long since disappeared.

National conventions, on the other hand, have retained their discretionary power and remained a law unto themselves. With an understanding of the principles of the transmission of political power, the people have attempted within the past decade to remove all unnecessary intermediate belts and cogs between themselves and their agents, the party candidates for president. They are not satisfied to take one or the other of two candidates submitted to them by the politicians. The means devised to allow popular wishes directly to determine the nomination of the president is the so-called presidential primary. It is provided solely by state law, partly because of the constitutional provision that the presidential electors should be chosen by the states, and partly because of the position of the states in the party system. The laws of no two states are exactly alike, but there are, however, two chief forms: one provides for the direct election of the delegates to the national conventions; the other gives the opportunity to the voters to express a preference among the aspirants for the nomination who have complied with the state regulations for getting their names on the ballot. The terms presidential primary and presidential preference primary have been popularly applied to both forms. It is preferable not to use the latter term except for the latter form. Most states employing the presidential primary combine these forms. The former alone is not a direct primary at all, but takes on the appearance of directness in proportion as provisions are made for allowing or requiring the candidates for delegate to pledge themselves to support some particular aspirant for the nomination. The preference vote under the latter form does not count directly for any aspirant but only indirectly through the vote of the delegates in the convention, and hence is in the nature of an instruction more or less binding.

In 1912 the laws of twelve states provided for some form of the presidential primary. These states were entitled to 360 delegates in the conventions, about one third of the total. In 1916 twenty states compelled the use of the primary; the Republican convention included 581 delegates from these states, and the Democratic, 584. In 1920 two additional states[1] required the presidential primary and two had discarded it—Iowa and Minnesota in 1917 after a single experience of its operation. It is reported that Iowa considered the law useless and expensive—the primary cost $129,000. Minnesota voters are said to have been disgusted by their inability in 1916 to vote for Roosevelt, who did not become a candidate in the primary. Florida, Alabama and Georgia have permissive presidential primary provisions.

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[1] North Carolina and West Virginia. The North Carolina law seems to have been passed in 1915. The Legislative Reference Library states no presidential primary was held in 1916. The West Virginia State Historian and Archivist reports that a presidential primary was held in 1916.

The delegates to San Francisco in 1920 from primary states (not territories) numbered 638. To the Chicago convention this year 569 delegates were elected from primary states.

How far have these state laws been effective in substituting a direct for an indirect nomination of presidential candidates? To answer this question requires first a brief analysis of the state laws and their operation.

STATE PRIMARY LAWS SUMMARIZED

California. Presidential primary held the first Tuesday in May; regular state primary, last Tuesday in August. The preference vote was discarded after 1916. Delegates elected at large. The candidates for delegate may be grouped, provided each group contains from two to four members from each congressional district. Each group must have the endorsement of the candidate for president for whom the members of the group have filed a preference, or of a state organization not repudiated by him. Each candidate for delegate may file a statement declaring his preference and promising to support this preference to the best of his ability. Neglect to file the statement does not keep a candidate's name off the ballot but does keep the names of a group off the ballot or prevent a candidate's name from appearing in a group. Each voter is given the ballot of the party with which he declares it is his intention to affiliate, and is sent the sample ballots of all parties. The author of the act specifically states that election at large was provided partly to increase the political influence of the state. The Republican primary vote this year was almost one fourth larger than the general election vote for Hughes in 1916. The Democratic vote was one twentieth the last vote for Wilson. This indicates the voting of a large number of Democrats in the Republican primary.

Indiana. First Tuesday after the first Monday in May. At the same time comes the regular state general primary. The voter casts a preference vote for president and elects delegates from each county to the state convention, which in turn chooses the national delegates. Party rules may permit the delegates from each congressional district to select the national district delegates. The Republican party uses this method. In case an aspirant receives a majority of the party vote the delegates are considered instructed and it becomes their duty to cast their votes as a unit for such candidate as long as his name is before the convention. The voter is given any party's ballot that he requests unless challenged, when he must make affidavit that at the last election he voted for a majority of the candidates of that party. It will be observed here that if no candidate polls a majority vote, the law's only effect is to govern the election of the state convention. At the last primary, Wood had the largest vote in nine congressional districts and Johnson the highest vote in the other four, but the Republican organization, favorable to Harding, succeeded in electing most of the delegates to the state convention. Of the 26 district delegates, 6 were instructed for Wood and 4 for Johnson at the state convention. Three of the four delegates at large were personally opposed to Wood but instructed to vote for him as long as he had a fair chance to be nominated. It was understood that not more than one delegate of the thirty was really for Johnson. On the first two ballots in the national convention the delegates voted as the preference pluralities in the state and districts went. On the third ballot delegates began to leave Wood and Johnson. The *Indianapolis News* asserted that scores of Democrats asked for and voted Republican ballots in the Indianapolis precincts with the result that in many cases the "Republican" primary vote exceeded the Republican vote for secretary of state two years before.

Illinois. Third Tuesday in April. State primary the Wednesday after the second Tuesday in September. Preferential vote and direct election of district delegates. Precinct committeemen are elected who select delegates to the state convention which chooses the national delegates at large. The vote for president has for its sole purpose an expression of the sentiment of the party voters and the vote of the state at large is considered advisory to the delegates at large and that of the congressional district to the district delegates. Each candidate for delegate is required to file a statement of his choice for president or a statement that he has no choice. A candidate for president may disavow the candidacy of a person who designates him as a choice and prevent that person's name from appearing on the ballot. The voter at the primary must declare his party affiliation and must not have voted at the primary of any other party for two years. The Illinois law permits the possibility that the state preference will favor one candidate, that the majority of the district delegates will favor another, and that the state convention will favor a third.

Maryland. First Monday in May. At the same time nominations for United States representatives and for all offices to be filled at the presidential election are made, but on other than presidential years the state primary comes between the eighth and fifteenth of September. The Maryland primary is quite unique. There is a preference vote for president but delegates to the national convention are elected by a state convention whose members are chosen by direct vote at the presidential primary. The preference vote is counted separately in each county, and in instructing the national delegates, the delegations from these areas are required to vote at the state convention, in accordance with the preference of the voters in their respective counties, as long as there is any possibility of such preference obtaining a majority of the vote in the convention, and as long as this preference receives the vote of any nine counties. Delegates to the national convention are instructed for the candidate receiving the majority vote of the state convention and are bound to support him as long as there is possibility of his nomination. If there is no presidential candidate in the primary the state convention may instruct for whom it pleases or not at all. At the primary the voters are given the opportunity to vote for an uninstructed delegation in the same manner as for a candidate, with the same effect on the delegates to the state convention. A presidential aspirant must pay a fee of $25 for each county in which his name is to appear on the ballot. Party registration is required.

Massachusetts. Last Tuesday in April. State primary six weeks before the fall election. Delegates to the national convention are directly elected by districts and at large, the distribution being determined by the state committees, provided each district elects at least one delegate. Candidates for delegate may have their names printed in groups and a single mark will count for the group. The secretary of state certifies the preference vote to the state committees. There is apparently no provision to make the state or district preference votes effective or binding. It seems that the delegate's preference for president may be printed after his name on the ballot. There is no assurance that the preference vote and the vote for pledged delegates will correspond or that the delegates at large and the district delegates will favor the same candidate. What happened in 1912 may happen again; no effort seems to have been made to prevent it. In 1916 an act was passed to confine voters to the primary of their own party by an enrollment scheme. The *Boston Transcript* gives two reasons for the apathy of the voters this year: first, their conviction that the candidates for delegate were insincere in their professions of support for the different presidential aspirants and their resentment at the interference of the state committees; second, the inconclusiveness of the Massachusetts system which afforded no opportunity for a direct vote on presidential aspirants since no one had filed a petition and in only six of the sixteen districts had the candidates for delegate announced themselves favorable to Wood. Editorially the *Transcript* charges that the primary law enables the candidate for delegate to prostitute the popularity of presidential possibilities to his own political aggrandizement and often leaves the voter ignorant of his would-be delegate's principles and choice for president.

Michigan. First Monday in April. State primary last Tuesday in August. The law is brief, providing only a preference vote for nominee and national committeeman. Only 100 voters need sign the candidate's petition. The candidate receiving the highest vote is declared to be the choice of the party for the state. The law seems to allow the voters full choice of party, by requiring that he shall be "furnished a ballot," presumably that of any party he likes. The choice of delegates is left entirely to the party regulations. Although Johnson this year received a large plurality in the state, Wood carried eight of the thirteen congressional districts and his backers contended that the state convention should leave the way open for a change to him after the delegation had discharged its obligation to Senator Johnson on the first ballot. The state convention, according to the *Detroit Free Press*, chose three of the four delegates at large opposed to Johnson. The delegation stood solidly for Johnson until the sixth ballot.

Montana. Forty-fifth day before the first Monday in June. State primary seventy days before the fall election. Preference vote and direct election of delegates on a general ticket. The names are arranged alphabetically and the voter votes for the state's quota. Presidential aspirants are designated for the primary by petitions of their personal supporters in Montana without themselves signing any petition or acceptance. Each delegate is paid his expenses, not to exceed $200, and must take an oath of office that he will to the best of his judgment and ability faithfully carry out the wishes of his political party. Candidates for the presidential nomination may use the official campaign book on payment of a fee. Montana has the "open" primary. The voter is handed the ballots of all parties, from which he selects the one he wishes to use. Statutes passed by the last legislature providing the "closed" primary and the rotation of the names on the ballot were held up by a referendum petition.

Nebraska. Third Tuesday in April. General state primary. In other than presidential years state primary third Tuesday in August. Four delegates at large and two from each district and the national committeemen are directly elected. There is also a preference vote. Presidential aspirants are designated, without acceptance on their part, by petitions containing 500 names in each congressional district. No provision exists for putting delegates on record for any candidate nor for binding them to support the candidate of highest vote in the state, and a court decision indicates that the delegates are only morally bound by the preference vote. Senator Johnson has publicly attacked what he calls the perfidy of the Nebraska delegation. A voter at the primary must state his party affiliation and, except in cities where registration is required, may state any party he pleases subject to a challenge on the ground of party membership to be satisfied by an oath as to his intention. A good authority declares that thousands of Democrats voted in the Republican primary this year.

New Hampshire. Second Tuesday in March. This is the earliest presidential primary. State primary first Tuesday in September. Delegates are directly elected—at large and by districts. There is no preference vote, although a candidate for delegate may have printed after his name the words: "Pledged to vote for the nomination of —— for president." The state committee may fill vacancies in the list of candidates for delegate if fewer than the state's quota file petitions. If a voter's party membership has been registered he is limited to the primary of that party; if not, he may join any party subject to challenge and oath.

New Jersey. Fourth Tuesday in April. State primary fourth Tuesday in September. Direct election of delegates and preference vote. Distribution of delegates is made by the state committee chairmen in accordance with the call of the national committee. Candidates for delegates may be grouped and have the name of the presidential candidate they favor placed opposite the group or opposite individual names under the caption, "Choice for President," or any six word slogan may be used. Voters are confined to the party in the primary of which they voted the preceding year. The secretary of state is required publicly to announce the preference vote, apparently only for the state as a unit. There is no attempt in the law to bind any delegate either by the vote of his district or the vote of the state or by his own expressed preference. The delegate must decide what he will do. The practice in New Jersey seems to have been for the delegate at large to feel bound by the state preference vote and the district delegate by the district preference, although in 1912 four anti-Wilson delegates from Essex county supported Clark to the last ballot regardless of the fact that Wilson's name alone was on the ballot. There is a stringent act on election expenditures broad enough in terms to cover the presidential primary. The amount spent in aid of the candidacy of a delegate is specifically limited to $5,000. This limitation would permit a presidential candidate or his friends to spend $140,000 in the state.

The party and public offices held by the delegates of this year will be of interest. Of the Republicans, two were United States senators, one chairman of the state committee and ex-governor, one ex-governor and state senator, two state senators, one county clerk, one county chairman and mayor, two judges, four members of the advisory committee to the chairman of the Essex county committee. Of the twenty-eight Democrats, one was governor, one ex-state committeeman and member of the Essex county committee, two United States representatives, one chairman of a county committee, three state committeemen, four mayors of leading cities, one county clerk, two state senators, one collector of internal revenue, one leader of last session of assembly, two city commissioners of two largest cities in the state, one member of a county executive committee, and one member of a state commission. After the Republican convention some of the New Jersey papers attempted to indicate which five delegates voted for Senator Harding. In the absence of a poll of the delegation there seems to be no means of putting a national delegate on record in the exercise of his most important function.

New York. First Tuesday in April. State primary seventh Tuesday before fall election. Delegates are directly elected, not more than four at large. There is no preference vote and no provision for a delegate to indicate on the ballot his choice for president. Designating petitions for delegate at large must contain 3,000 signatures and for district delegate, 500. There is a strict party enrollment law.

The details of the New York primary of this year are instructive. The primary was held on April 6. In the *New York Times* of February 4 appeared the statement that the Democratic state committee would hold a meeting to consider the calling of an unofficial state convention for the proposal or endorsement of delegates at large and district delegates to the national convention. A letter to the Democratic state chairman asking for information on the composition of this convention and the method of selecting the members elicited no reply and the newspapers contain no account of an election of delegates. A district leader in New York county, however, vouchsafed the information that each state committeeman was entitled to attend the convention along with two persons whom he selected to accompany him. The Republicans also held an unofficial convention which had for its avowed purpose the adoption of a platform and the recommending of delegates at large to the Republican voters. The necessity or advantage of a platform at this time is hardly apparent to the naked eye. Elections to choose delegates to this convention were held, in New York city at any rate, at the various assembly district headquarters. A request by letter to the Republican state chairman for the vote for these delegates brought no response. The vote for delegate in the eleventh assembly district was printed in the *Times* as 126, the result of a contest which was apparently the single exception to complete harmony in the Manhattan caucuses. The Republican enrollment in the eleventh district in 1919 was 8,181. Party leaders stated that no significance attached to the selection of these delegates as far as the presidential situation was concerned.

To head off any trouble that might be started in the Republican convention the state committee first named the "big four" delegates and alternates. At the Democratic convention a complete slate of delegates was proposed for "recommendation" to the voters. The "recommendation" was accepted with hardly a murmur of disapproval. In 39 of the 43 districts absolutely no choice among delegates was offered to the Democratic voter who went to the polls on April 6 out of a sense of civic duty. The organization candidates in the Republican primaries made a clean sweep. In only 16 of the 43 districts were there contests. Only one man contested the choice of the machine for delegate at large and he was a Hoover supporter. About a quarter of the Republican voters went to the polls and 15 per cent of the Democrats. Among the Democratic delegates were 23 state committeemen, district leaders or congressmen; among the Republican delegates were 33 persons of similar political positions while only 34 of the 88 delegates did not hold public or party office. The number of officials, party and public, who find places on the delegations is not really a matter of much moment because the preliminaries, if considered in connection with the result of the primaries, show that the state committee members could probably secure their election to the conventions to the number to which the state is entitled, if they chose to do so. The *Evening Post's* editorial on the primary was headed, "The Primary Vindicated": it asserted there could be no disappointment among friends of the primary over the way in which it had done what it was intended to do; that Governor Hughes never held it up as anything more than an opportunity for the effective expression of the will of the party voter. That the opportunity was very imperfectly realized this year would be the testimony of most intelligent voters, but the voters may have been responsible for the lack of opportunity. To state what principle or what candidate he was supporting in his vote for delegate would have been beyond the conjecture of the great majority of the voters.

North Carolina. First Saturday in June. Latest presidential primary. General state primary at the same time. Preference vote. All delegates at large and district delegates are held bound to support the candidate receiving the majority of the preference vote. If no candidate receives a majority, the plurality governs in each congressional district and in the state at large respectively. The intent of this provision is not very clear in the absence of interpretation. How far the delegate is "bound" by the preference vote is not indicated. There seems, as in the case of Michigan, to be no provision whatever for the election of the national delegates. A declaration and record of party membership is required of the voters before participation in the primary.

North Dakota. Third Tuesday of March. Regular state primary last Wednesday in June. Preference vote. Delegates are elected directly on a general ticket. Recommendation of a national committeeman by the primary vote. Each elector receives the ballot of the party with which he declares himself affiliated or with which he may have registered. Expenses of delegates to the national convention are paid to the amount of $200. Every delegate must subscribe an oath that he will to the best of his judgment and ability faithfully carry out the wishes of his party. The privilege of the publicity pamphlet does not seem to be available to the candidates for president and delegates.

Ohio. Last Tuesday in April. State primary second Tuesday of August. Preference vote. Direct election of delegates. The candidate for delegate must state his first and second choice for president with the consent of the presidential aspirants indicated. These choices appear with the candidate's name on the ballot. The candidate for delegate may also file a statement that he will support the candidate for president who receives the highest vote in the party. It does not appear whether this statement is printed on the ballot or whether the delegate is to support the choice of the state or of the district.

The name of no candidate for president is to be submitted to the voters without his consent. Voters are restricted to the primary of their own party.

Oregon. Third Friday in May, general state primary. National delegates, four at large and two from each district, are directly elected, and also national committeemen. Preference vote. The declaration of candidacy of a delegate must contain his promise to use his best efforts to secure the nomination of the voters' preference. The delegate may file in a statement of 100 words the names of candidates or principles in which he especially believes, and may indicate the 12 words that he desires printed on the ballot. Both candidates for delegate and for the presidential nomination are entitled to use the official publicity pamphlet on payment of the fee. Voters are registered in their respective parties. It will be noticed that the state is the unit in the preference vote and that each delegate must pledge his support of the statewide preference. Oregon, like Montana, has given up the system of election at large in which each voter could vote for only one delegate. The result in Oregon in 1912 was the election of a mixture of LaFollette, Roosevelt, and Taft men pledged by the preference vote to Roosevelt. As a consequence, part of the delegation supported the movement which gave the Taft forces control of the convention, yet the present Oregon law by no means guarantees the selection of delegates honestly favorable to the state's preferred candidate. All of the districts may not go as the state goes in preference; and further, due to the failure of some who vote a presidential preference to vote for a delegate, even the delegates at large may not personally desire the success of the state's favorite. This year although Johnson had a plurality of about 2,000, the avowed Johnson delegates were defeated and the manager of the Wood campaign was among the delegates elected.

Pennsylvania. Third Tuesday in May. Regular spring primary for all the candidates for offices to be filled at the general election. Fall primary, the third Tuesday in September, in odd years. Preference vote and direct election of delegates. In 1912 delegates at large were chosen at a state convention and no preference vote was provided for. The distribution of delegates is certified to the secretary of the commonwealth by the chairman of the state committees. After the names of all candidates for delegate there must be printed on the ballot one of two statements: that the delegate promises or does not promise to support for the presidential nomination with all fidelity in all matters coming before the convention the popular choice of his party in the state (if a delegate at large) or in the district (if a district delegate) according as he has or has not filed a statement of this promise. This year the name of only one candidate for the Republican preference vote was printed on the ballot, that of a retired business man of Philadelphia, Edward Randolph Wood. The result was somewhat disconcerting to those whose confidence in plebiscites is unshaken. Mr. Wood polled about 258,000 votes out of a total Republican preference vote of 279,000. Some 3,900 voters wrote in the name of Leonard Wood. Just what was in the minds of the 258,000 adherents of Mr. E. R. Wood is not absolutely certain but probably the joke is on them. It is rather needless to say that the Pennsylvania delegation did not consider themselves under obligation to support the state's recorded choice.

South Dakota. Fourth Tuesday in March. General state primary. Probably the most elaborate and complex presidential primary law. A sort of state convention may by majority vote propose candidates for the presidency, national committeemen, and delegates to the national convention. Any five or more members of the convention may propose an additional set of candidates, and finally, independent proposals may be made by petition. Delegates are apparently elected at large, but not much importance is attached to their election because the endorsement of a presidential candidate and of his paramount issue at the primary has the force and effect of instruction to the delegates, who must then vote for such candidate at least three times before supporting any compromise candidate. A primary publicity pamphlet and a joint debate between the presidential candidates or their representatives are provided for. The state seems to be the unit for the preference vote. No pledge is considered necessary for the delegates, who make no indication of their choice of candidates. At the last primary no candidates for delegate other than those of the state proposal meeting were put up. A voter requests any party ballot he wishes and if challenged on the ground of party membership must make oath that he is in good faith a member of the party.

Vermont. Third Tuesday in March. Regular state primary second Tuesday in September. State conventions, held within three weeks after the primary, select delegates to the national conventions. Delegates to the state conventions do not seem to be elected at the primary but according to the direction of the state committees. There is no provision to bind the delegates or to secure the election of delegates in sympathy with the successful primary candidate. There is no restriction on voting in the primary based on party affiliation.

West Virginia. Last Tuesday in May. At the same time the general state primary is held, which, in other years, comes the first Tuesday in August. Preference vote and direct election of delegates. There is nothing to indicate a rule of apportionment except the mention of delegates among state officers and again among district officers. A candidate for delegate files a statement as to whether or not he will support for the party nominee the popular choice of the primary either in the district or the state, according as he is a district or state delegate. This statement does not seem to be printed on the ballot. The corrupt practices act applies specifically to delegates and presidential aspirants but in fixing the maximum amounts of expenditure neither presidential candidate nor delegate is mentioned.

Wisconsin. First Tuesday in April. State primary biennially on the first Tuesday in September. Four delegates are elected at large and two from each district. Preference vote also. The alternate delegates are appointed by the state committees. In California the alternates are selected by the delegates and either of these systems has much to commend it. No consent is required from an aspirant for president to the use of his name at the primary. Any candidate for delegate may have printed after his name on the ballot a five word statement of principles or candidates favored by him. The primary is "open," as in Montana, and the voter receives the ballots of all parties. There seems to be no special provision for holding the delegates to the support of the people's choice for president. There is really no evidence of intention that such choice should bind the delegates.

RECAPITULATION

This review of the presidential primary laws in these twenty states may be briefly recapitulated. Three states, Vermont, Michigan, North Carolina, provide for a preference vote on the presidential aspirants but make no provision whatever for the selection of delegates. Two other states, Indiana and Maryland, take a preference vote and allow the national delegates to be selected by state conventions, for which the delegates are chosen at the time of the preference vote. Three states, New York, New Hampshire, California, provide for the direct election of delegates, but not for a preference vote, although California's grouping arrangement is practically equivalent to a preference vote, and New Hampshire allows delegates to pledge themselves to support certain presidential candidates. The remaining states elect delegates directly (except delegates at large in Illinois) and permit the voters an expression of preference among aspirants. Montana, North Dakota and probably South Dakota (with California), select their quotas on a general ticket.

THE VOICE OF THE PRIMARY

Back in 1912 as the returns from the presidential primary elections became public, it was a commonly expressed opinion in the daily and periodical press that probably the last old-fashioned pre-convention campaign was being witnessed. Eight years later the primaries and conventions have again been held, and if this year the former had any influence on the latter, it remains invisible and intangible. Both conventions are apparently as free as ever to select candidates, and there is no repetition of the 1912 comment as to the end of the convention system. But there seems to be continued widespread dissatisfaction with that system and voluble lament that the presidential primary is a "farce." True, Will Irwin's statement that the people of the United States have as much influence in selecting the president as the British have in choosing a crown prince appears to be no great exaggeration, or is not so obviously to be classed under the rhetorical category of hyperbole. If the administration of either Mr. Harding or Mr. Cox should prove disastrous, the blame which could be directly attached to the voters of the Republican or Democratic party for an unwise nomination would be slight indeed. Do the voters wish to determine the party candidate? Should the candidate be the voters' choice? Are the voters capable of making a wise selection? A popular referendum would certainly answer in the affirmative. Yet in 1912, when there was no doubt about the primary's favorite in the Republican party, a convention turned him down. The fact that twelve states used the primary, however, could not furnish a conclusive reason to the convention for throwing over the old system, which most states had retained. And the verdict of the old system was quite as clear as that of the new. There was a conflict of systems. One need not be a convinced Democrat to see some good results of the Republican primary of that year. On the other hand, the pronouncement of the Democratic primary in 1912 was less certain, although the Democratic convention's action is thought by many to have disregarded the people's choice. In 1916 the primary was an automaton in one party and an idle implement in the other. In the one any conceivable system would have worked the same way. In the other even an improved primary would probably have uttered a Delphic response.

This year it is true the primary in the Republican party made no pronounced decision, and in the Democratic party was practically neglected by presidential aspirants. To be specific, the presidential primary sent to the Republican convention 84 delegates from eight states instructed for or pledged to Wood, probably 96 from nine states; 140 delegates from nine states for Johnson, possibly 142 from ten states; 41 delegates from one state for Lowden, and 39 delegates from one state for Harding—a total of 306 or 320 from 15 or 16 of the 20 primary states. At the Democratic convention, Palmer had 104 delegates from two states; Cox 48, Hoover 30, Simmons 24, Hitchcock 16, McAdoo 10, and Gerard 10, each from one state; possibly Edwards 28 and Bryan 10,—although their names were not on the ballots,—a total of 242 or 280 from ten states.

The charge that the primary has failed is beside the point. A presidential primary has not been tried. In a measure, a charge of failure to solve the Irish problem might as justly be laid against the congress of the United States. The states have attempted to control the actions of a body outside their jurisdiction, and fewer than half the states have made the attempt. Dissatisfaction with the primary in the Republican party proves on careful analysis to be in part an unconscious discontent with the unfair apportionment of delegates. Anyway, one would hardly assert that a state employs the direct primary for the nomination of governor if only half the counties took a direct vote on a candidate and certified the returns to a convention that is in no way bound by them.[1] And as long as a candidate may elect to run only where his chances are good, and argue as to the rest of the field that the voters had no opportunity to support him, there is hardly a real primary.

An examination of the tabular record of the primary will hardly tempt the wary student into the positive assertion of any conclusion. The factors are too variable. One could wish to discover (1) whether participation has increased; (2) the effect of the time at which the primary is held; (3) the relation between the opportunity to express a choice for president and the extent of participation; and (4) whether combining the presidential primary with the state primary results in a larger participation than when it is held alone. Perhaps the more discerning can read from the record answers to these queries.

THE CONDUCT OF INSTRUCTED DELEGATES AT THE CONVENTION

If the primary in its present form accomplishes anything, it does so by controlling the actions of the delegates at the conventions. Here the facts may be studied, and the attitude of the delegates from the convention states compared with that of those from the primary states. It may be observed that Senator Harding's gain of 309 votes—from 65½ to 374½—during the eight ballots after the first, came with the exception of 107, from the non-primary states. Of these 107, eleven came from Indiana and 18 from North Carolina where delegates are not directly elected (in Indiana the preference vote is an instruction to the delegates only if some aspirant polls a majority) and 64 came from New York where there is no preference vote. Thus only 14 of the 309 votes came from states having both a preference vote and direct election of delegates.

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[1] The states undoubtedly have a means of control, if they wish to use it, in their power to determine the method of choosing presidential electors. Here is a lever which no state has brought into play.

On the tenth and last ballot the delegates from California, Montana, Vermont, and Wisconsin were sticking solidly to their respective state preferences. One half or more of the delegates from Maryland, New Jersey, Oregon, and South Dakota were holding out for the preferences of their constituents. All or a majority of the delegates from eight primary states—Illinois, Indiana, Michigan, Nebraska, North Carolina, North Dakota, Pennsylvania, and West Virginia—where preference votes were taken, had deserted their state preferences at some stage of the balloting. It is fair to say that the preferences of Pennsylvania and West Virginia never had any chance of nomination and that Indiana's preference vote did not constitute an instruction.

The action of the delegates of a few particular states should be noted. West Virginia cast only one solid vote for her favorite son and only one of the delegates voted for him as long as the fifth ballot. This seems to be a plain case of riding to the convention on state pride and of remaining quite "unhitched" at the beginning of the fun. Senator Johnson lost one of the instructed Oregon delegates on the first ballot and retained only one half of them on the fourth. The delegate who failed to give Johnson his first vote explained that he was known to favor Wood before the primary and that he did not consider himself bound by the Oregon vote notwithstanding his pledge to be governed by the will of the voters. Two of the North Dakota delegates supported Wood on the first ballot although Johnson was the only candidate to run in the state primary and the law required them to take an oath faithfully to carry out the wishes of their political party. Not any of the Michigan delegates deserted Johnson until the sixth ballot, though some were almost certainly opposed to him and unbound by any oath. The Nebraska delegation did not support Johnson unanimously even on the first ballot; on the seventh ballot, the senator retained only three of the sixteen Nebraskans. The North Carolina case was probably the most notable, Johnson defeated Wood in the primary over two to one, and the state law binds the delegates to support the majority candidate, yet on the first ballot Johnson received only one vote, and at no time more than four votes, while on the fifth ballot the delegation began to go over to Harding.

SOME PRACTICAL DEFECTS

Certain fairly obvious defects of the present presidential primary system, or remediable conditions under which it operates inefficiently, may be quite definitely stated as a preliminary to suggestions of possible improvements:

(1) The fact that the national conventions are entirely beyond the reach of state law. Their observance of state regulations is at present optional.

(2) The use of the primary in fewer than half of the states.

(3) The variations in the dates of the primaries in the different states—from the second Tuesday in March to the first Saturday in June.

(4) The imperfections of existing state laws, which make their results ambiguous.

(5) The difficulty of controlling a pledged delegation.

(6) The lack of provisions to insure that the delegates chosen by the state shall honestly desire the nomination of the state's preference.

(7) The influence of local politics.

(8) The failure of aspirants to submit their names to the voters except in the states where they feel confident of victory.

(9) The "favorite son" game.

(10) The expenditure required of aspirants who make a fairly complete caucus, and the absence of restraint on undue expenditure.

(11) The participation of voters of one party in the primaries of the other.

(12) The failure of so many voters to participate at all that the result loses significance. These last three defects are listed as the most serious, by Dr. Talcott Williams in a recent article.

As to why the presidential primary has not been more widely adopted, it may be said that its satisfactory operation is difficult to secure. The politicians of a state fully appreciate their disadvantage and the state's disadvantage from the standpoint of political influence if the state delegation is committed to one candidate as long as his name is before the convention, since the power to bargain is lost. There is hardly any satisfactory intermediate point between merely recommending a preferred candidate to a delegation and binding the delegation throughout the convention. Neither extreme is at all satisfactory; the former, unless a nomination is made on the first ballot, leaves the delegation quite free to disregard the state's preference, and the latter might, if it could be adequately enforced by several states, deadlock the convention completely. Bargains there will be of necessity in a convention until a first ballot nomination can be assured.

There have been surprisingly few earnest attempts since 1912 to bring the primary to the highest attainable degree of perfection in the states which have adopted it. As indicated above, many states combine a preference vote and a direct election of delegates in such careless manner that the result of the election may be unintelligible or conflicting. To illustrate: a preference vote is provided without any declaration in the law as to whether the state vote shall bind all the delegates, or only the delegates at large, leaving the district delegates to follow the preferences of their respective districts. At the same time candidates for delegate may state personal preferences or pledges. In such a situation it is not only not improbable that the state preference shall go one way and the majority of district preferences another, but it is not impossible that a delegate shall be elected who has expressed a preference or pledge for an aspirant that receives neither the highest district nor state vote. Most states take no precaution whatever to insure the election of delegates sincerely in sympathy with the candidate whom the state prefers. Here is a most serious obstacle to the effectuation of popular will which the states could remove. California stands almost alone in having practically overcome this difficulty. Certainly no candidate for delegate should be permitted to pose as the supporter of any presidential aspirant without the latter's endorsement.

But the election at large feature of the law of California and other states is impossible to defend. Probably nothing tends more to weaken the influence of a state-wide preference vote than its manifest unfairness, frequently admitted in the popular mind, in that a slight plurality is sufficient to establish a claim to all the delegates. Inequality in a law undoubtedly impairs the force of its obligation to observance.

There is trustworthy evidence to show that if the voters of one party are free to go into the primary of the other and find an incentive to do so in the fact that there is a contest in the other party and not in their own, they generally go in considerable numbers. This is to be expected. It is probable that parties will not be satisfied to commit the selection of their candidates to a primary so long as these invasions are possible. When both parties have contests, there will not be much mixing. However, there will be repetitions of the 1916 Democratic situation.

The bad effects of diversity of primary dates hardly need to be discussed. "General Wood's campaign forces came into the state like a circus," asserted a witness before the senate committee investigating expenditures. When a metropolitan daily's political correspondent tells its readers that the primary returns in a certain state may be accepted as indicative of the relative popular strength of the aspirants, it is no wonder that heaven and earth are moved to gain a plurality. In 1845 congress established, for selecting presidential electors, a uniform day throughout the country; and in 1872 a uniform date in nearly all the states for the selection of national representatives.

The comment from almost every state is that local politics constitutes an important factor in the outcome of the primary, especially in the election of delegates. The following quotation from the *New York Evening Post* is suggestive: "At various times other candidates and their managers have sent agents to look over the field and decide whether or not to make a fight. Their conclusion has always been that there were too many cross-currents of local politics within the state and too many questions of local personalities involved to make it possible to get a fair contest between national leaders." Only the complete elimination of the delegate as a solicitor of votes promises to improve this situation. Nor does the selection of delegates who have indicated no preferences among aspirants insure the popular choice of a candidate. If the primary were a contest among a few well-known men on the basis of popular confidence in their judgment, this would be a step toward as nearly a deliberative convention as is possible. Further, only a complex proportional system of electing delegates would assure the proper distribution of delegates among the aspirants, whether they were elected at large or by district.

Should all the present primary states perfect their laws, they would constitute an insufficient portion of the country to be decisive. The majority of the voters may not have spoken at all or may have given an uncertain sound. Obviously, the primaries can not be effective until all the leading aspirants have taken the opinion of a large part of the country. If the primaries this year had been accepted as decisive, there could have been no consideration of other Republican candidates than Wood and Johnson. But the convention may still advance plausible arguments for disregarding the primary returns. General Wood's name appeared on the primary ballots in fourteen states, Senator Johnson's in twelve, Governor Lowden's in six, Mr. Hoover's in four, and Senator Harding's in three. These five aspirants all contested Montana; Wood, Johnson, Lowden, and Harding contested Indiana; the first three and Hoover contested Michigan and Oregon; the first three contested South Dakota. With the opportunity to do so in twenty states, in only five states did three or more of the candidates submit their names to the voters. Only one Democratic aspirant ran in the primaries of more than one state and he in only two. The primary process has reached a sort of impasse. "That General Wood should be contending with Governor Lowden in his home state represents a political error on his part," reads one newspaper paragraph. If one aspirant makes a campaign in all the primary states he probably arouses the opposition of other aspirants who combine against him, and the primary's favorite risks defeat in the convention; if he does not enter the lists the voters are limited to expressing meaningless and silly preferences among "impossibles, improbables, and unknowns," and the purpose of the primary is equally defeated.

The states could probably have dealt with the question of presidential primary campaign expenses quite effectively. Very few have made any effort to do so. In many states, the terms of the general election law on expenditures seem broad enough to include the presidential primary but in few has the filing of accounts been reported. The opponents of primaries find the expenditures of primary candidates a favorite theme. This expense is objectionable, but it little becomes advocates of a return to the pure convention system to attack the cost of the primary. Assuming roughly that General Wood's campaign in fourteen primary states cost $1,500,000, the average for each state was about $100,000. If Senator Johnson's expenditure in twelve states was $250,000, the average per state was $20,000; if his expense in California be excluded, this figure would be about $10,000. Governor Lowden's average was approximately $70,000; Senator Harding's $35,000; and Mr. Hoover's $25,000 on the above basis. From these figures and the primary results it is obvious that something besides money frequently determines the outcome of primaries. More to the point is the admitted expenditure by Governor Lowden's manager of $38,000 in the pure convention state of Missouri, an expenditure which is still the subject of discussion at gatherings of the party chiefs. It is reported that General Wood's expenditure in New Jersey was $15,000 and in Maryland $12,500, both primary states; this may be compared with the sending of $10,000 to Georgia by Mr. Hitchcock, because the opposition was "reported spending large sums in the state." Georgia casts approximately 11,000 Republican votes and selects delegates by the convention system. If a candidate and his friends can raise a certain amount of money to spend in securing a nomination, it seems fairly reasonable to believe that they will spend it, convention or primary, unless convinced that the nomination is certain or hopeless before the maximum is reached. It may be that this assurance is more readily obtained under the convention system. A better day and a stricter conscience are coming in the matter of money in elections. Witness this statement from the *Nation* in 1912: "The $70,000 spent by Roosevelt in New York county was a public scandal, of which there should be no repetition." A Missouri politician has recently testified, seemingly as a sort of naïve justification for receiving money in this year's presidential primary, that the amount was considerably less than he received in 1912. There is reason to believe that the primary this year will lead to desirable legislation on campaign expenditures, which would not have been brought about under the older system had the expenditures been equally large.

IS IT TIME FOR A CHANGE?

What of the future? If it is desirable for the people to elect the president, it is essential that they should nominate him, and if they are to nominate him the method must be simple, direct and easily understood. The present complexity and variety of the primary laws are reason for the voters' lack of confidence in their verdict and, as a consequence, for the ease with which conventions may set all verdicts aside with comparative impunity.

How can a real presidential primary law be obtained and what should be its leading features? On the assumption that if the party is injured anywhere it will suffer everywhere, some may advocate leaving the whole matter to state legislatures under the influence of the national party organizations. But this is a big country and California often does not know what Maine is doing. The presidency is much too vital an office to leave exposed to the consequences of peanut politics in some out-of-the-way state. If the voters of the country could read the accounts in Missouri papers of old-fashioned, packed, gavel-ruled caucuses and conventions held there in the process of selecting national delegates, most of them would call for extended application of legal regulation, if not for the direct primary.

Parties could require uniform presidential primaries but they are unlikely to do so. The politician does not love simplicity and directness. They are bad for his business. To illustrate, both parties tolerate a most shameful inequality in the representation of party strength in conventions. Besides, party regulations attempted now would run into perplexing conflicts with existing state laws. No effective presidential primary is in sight unless it comes by federal law. President Wilson's first message to congress called for a federal enactment and several bills were introduced. All of these, as likewise Senator Cummins' bill of 1911, seem to have lodged in committee. Their authors took for granted the constitutionality of these proposals, but several authorities with good show of reason believe it beyond the power of congress to enact such measures. The senate resolution for the present investigation of presidential campaign expenditures, before and after the conventions, seems not to have raised the question of constitutionality. If constitutional amendment is necessary it may prove preferable to legislation even if more difficult to secure, for it could remodel the whole system of electing the president and vice-president. Here are certainly obvious faults, the correction of which is more essential to popular government than the modification effected by the twelfth amendment was to party integrity. The time has probably passed, if indeed it ever existed, when we are benefited by a system of electing a president which calls for all the excitement, effort, and expense of a five months' campaign, only to give the office to the candidate who polls thousands of votes fewer than his opponent. There would seem to exist no fundamental ground for serious popular opposition to the change. Is the time not ripe for comprehensive changes in the constitution?

In the matter of nominating the president, it would probably be safe to grant congress the same powers that it now possesses with reference to the election of its own members. Conceded this power for congress, what regulations would remove the defects mentioned above? The present convention system might have some staunch defenders. No less distinguished a person than Andrew D. White, however, in 1912, called the presidential convention "a blot on American democracy" and "simply the most contemptible of amateur shows," mainly because of the disorder and the crowding of spectators. The plea for the convention as a deliberate body no longer deceives the most unsophisticated. The pre-convention prophecy of Mr. Harry Daugherty, Senator Harding's manager, needed no such literal fulfillment as it received in order to convince the public of the kind of deliberation for which conventions are most fitted or best adapted. The "discussion of all the candidates by all the delegates," as the end sought by the Republican voters in selecting uninstructed delegations according to the New York county chairman, would not have materialized had the convention been as unbossed and leaderless as it was reported. It is highly improbable that any body of 1,000 persons will prove deliberative under any circumstances, and most improbable in the presence of 15,000 spectators, to whom deliberation is anything but welcome. The belief in the possibility of a deliberative convention would be much easier if the electoral college had had a different history. The old campaign advice is still good and closely followed: "Get the delegates." If parties had really desired deliberative conventions, they would long ago have excluded spectators and reduced the number of delegates.

The majority or two-thirds vote of a convention is largely another fiction, and thus is destroyed another claim of convention advocates that primary nomination often rests on a minority, whereas a convention's choice is the choice of a majority. Does anyone suppose that Senator Harding's majority and Governor Cox's two-thirds were the result of the sincere conversion of any considerable number of those delegates who had at first opposed them?

A third common convention fiction is that convention nominations are cheap to secure in comparison with primary nominations. If these three arguments for the convention system are destroyed, its supposed value is much reduced.

THE POSSIBILITIES IN THE PRIMARY

There are four fairly distinct functions which a presidential primary might perform:

(1) It might fully determine the nomination, as state primaries usually do. No convention would then be held except for framing the platform.

(2) The primary might serve as an optional popular referendum on the selection of candidates by representative party agencies.

(3) The primary might be designed to influence the convention, perhaps limiting its range of choice but not absolutely controlling it.

(4) No influence at all might be given to the primary. It would only fool the voters, create party strife, afford an opportunity for publicity to men who, or whose friends, could afford it. For these purposes the primary is at present pretty well constituted. A primary of the last type is comparatively useless if not, in some of its incidents, harmful. There is some argument in support of a primary of the third type, but it is difficult to combine direct primary and convention satisfactorily. In fact such a primary system would be more nearly a modified convention system. Either the first or the second type could quite certainly be made most simple, direct, and effective.

Regardless of which of these types might be adopted, certain regulations should be applied. A uniform day is essential. This of itself will attract greater interest and participation. A separate presidential primary demands more civic activity than many voters will undertake, consequently, the presidential primary date should be set sometime in September so that states may conveniently hold their primaries on the same day. Some states now combine these primaries by holding the latter in the spring, in the presidential years, if not every year. State primaries, however, come generally in the latter part of August or in September. Senator Cummins' bill fixed the first of August for the election of delegates.

Why a nomination in June? The British can conduct a general election campaign satisfactorily in a few weeks; it would be strange if six weeks should not suffice here. There would be much advantage in the combined primary to compensate for the longer ballot and possible confusion of issues. The expense of a separate primary would be saved.

Party registration must be required. A separate federal party enrollment by federal officials could be provided but this would be very expensive in proportion to its accuracy and thoroughness. Its cost would be out of proportion to its use. It would seem wiser to use state election officials for this purpose. The state enrollment might be accepted on the basis of state definition of party membership, but in order to permit a separation of national and state politics the federal law could well require a separate federal enrollment applicable not only to the presidential primary but to the primary for the nomination of senators and representatives also. It would not be difficult to permit to voters dissatisfied with the decisions of state officials on this point an appeal to some federal official.

Of course a limitation should be placed on the expenditure of money in connection with the presidential nomination, accompanied by the most advanced corrupt practices and publicity enactments. The presidency must not even appear to be obtainable by financial means nor should the nomination system be such as encourage immoderate expenditure on the part of aspirants. Printing and speaking are the cheapest means of campaigning for a prominent office. The federal government could use its mails to carry to every voter the printed argument of every aspirant, and in addition pay for the printing. No other means of campaigning need be allowed. Paid newspaper advertising should certainly be entirely prohibited. If an aspirant worthy of the office has anything to say, the press will report him. That some candidates would have more editorial support than others would be certain but practically unavoidable. A sufficient degree of equality can be introduced. Primary after primary has shown that the race is by no means always to the most lavish spender nor to the man with the most extensive newspaper following.

HOW TO SIFT CANDIDATES FOR THE NOMINATION

Now comes the crux of all proposals for change—the specific method of designation and nomination. Whether an improved, responsible convention system or a finally decisive direct primary is considered most desirable, designations could be made in the following manner. All aspirants that have any real chance for nomination should have easy access to the ballot; others should if possible be excluded, especially "favorite sons." There is no doubt that ordinarily candidates having a chance of nomination will with few exceptions be those who are supported by considerable groups of congressmen and state political leaders. It would be somewhat strange if this were not true. The character of these persons, their likes and dislikes, if our elective process means anything, should be fairly representative of the popular attitude toward the aspirants. There will be little use in other aspirants applying. This fact should be recognized in the law, which could well provide that any aspirant polling on a single ballot say 20 per cent of a total vote of a college composed of all congressmen and state committeemen should be officially designated. The vote of each member of the college should be published. The varying numbers of state committee members could be readily equated. Other aspirants perhaps should be allowed to enter the race by some petition method. This method of designation ought to minimize the necessary expenditures of the aspirants and in some degree permit the office to seek the man. Some one may object that the aspirants will move the campaign back to the designating college. It is to be expected. No primary system can be devised which will be free from pre-primary effort. The most that can be hoped is a large degree of publicity and responsibility. Another person objects that this means a partial union of the executive and the legislative. The present system is a gross violation of the spirit of the principle of separation of legislative and executive powers, and of the requirement that no member of congress or federal office-holder be chosen a presidential elector. The evils of the disregard of this principle are not apparent at present in any undesirable control of congress over the executive, if the record of the last twenty years means anything. Who are the national delegates now but the leading party and public officials of the states and nation? If public opinion disapproves this role for congressmen, they need not be included in the college.

IF THE CONVENTION NOMINATES

If a convention is to make the nominations following a preference-primary, defects (4), (5), (6) and (7)[1] could be largely remedied by the following procedure: Let the popular party vote be taken only on the aspirants; let this vote determine the portion of the state's quota of delegates (proportioned to the party strength in the state) to which each aspirant is entitled; each aspirant then select his delegates; the convention be confined to the designated aspirants in the selection of a candidate. The delegates can be left perfectly free in the matter of pledges, each will honestly desire the nomination of the man who selected him. The weight of influence of a nation-wide primary in which all aspirants participated would be well-nigh irresistible.

IF THE CONVENTION IS ABOLISHED

The primary's verdict may be made final and the convention abolished. If this plan is adopted the variation in the state suffrage qualifications and the very probable variation in the extent of participation in the states due to the presence or absence of state contests would render unfair a nomination by plurality of the popular party vote. It is suggested for each state that the popular vote for each aspirant be translated first into terms of the electoral vote of the state and that each electoral vote be weighted in proportion to the party strength in the state. The simplest system that would allow the population and party strength of each state an influence proportionate to those of other states would be the best. A plurality of this resultant vote should nominate.

THE PARTY ORGANIZATION MAY NOMINATE SUBJECT TO APPEAL

There is much to be said in favor of the second type of primary mentioned above. It has yet to receive a fair trial in the United States. For state nominations it was strongly advocated by Governor Hughes of New York. Briefly stated, it consists in a frank recognition of the power of political organizations in largely controlling nominations under any primary system. For this control they are at present not usually held in any way legally responsible. They act unofficially but effectively. People say, "Why go to the primary, you can't beat the organization." Why not recognize in law the organization's power and attempt to control it and make it responsible and visible, retaining always a popular appeal, which, in effect, is all that the direct primary amounts to in so many instances as to make it the rule, at least in the eastern states? In a former article,[1] the writer recommended the selection at the general election of a body of party representatives to make the designations for the succeeding election, subject to a decision at the primary only if competing designations should be made by petition. To adopt this system in its entirety for presidential nominations would presuppose its existence in all of the states. An adaptation of it, however, could be nationally applied. The party representative body in any state which might have adopted that system, and the regular state committees in the other states, could be permitted to select delegates to a national convention which would designate the party candidate for president. Presidential aspirants should be put before the convention by some simple petition system which would require a few signatures in each of several states. The vote of the state committees should be taken on these presidential aspirants and the aspirants be permitted to select their own delegates. The vote of each committeeman should be published. After the national conventions should have made their designations, opportunity should be afforded for designations by petition. Here also the petitioners required should not be so numerous that their names could not be conveniently published over the country. If no rival designations should be made, the convention designees would automatically become the party nominees. It is of course essential that state committeemen be responsible to the party voters.

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[1] See page 608.

Had this system been employed in 1912, it is not improbable that a Republican convention would have designated Mr. Taft, and that Mr. Roosevelt would have become the rival designee in a primary. A Democratic convention would probably have designated Mr. Clark, who would have been compelled to compete with Mr. Wilson in a primary. In 1916 Mr. Wilson would have been the undisputed Democratic designee, and very likely Mr. Hughes would have occupied the same position in the Republican party. This year the Republican outcome in convention would have been difficult to foretell, but if Senator Harding had been designated, it is very certain that he would have had to compete with one or more rivals in a nation-wide primary. A Democratic convention would probably have designated Mr. McAdoo and there might have been an appeal to the party membership by Attorney-General Palmer or Governor Cox or both. If there is a candidate preferred by a popular majority, or large plurality, this system offers every opportunity for his nomination, with or without a primary. If there is no such candidate, no system,—convention or primary,—will create one.

It is one of the first essentials of the success of popular government that the people believe it is popular and have confidence in its representative character and responsiveness. There is not lacking evidence that this condition does not obtain to a satisfactory extent respecting the election of the chief magistrate of the United States.

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[1] National Municipal Review for September, 1919; also the writer's study, "The Direct Primary in New Jersey," made under the auspices of the Bureau of State Research of the New Jersey State Chamber of Commerce.

TABULAR STATEMENT OF VOTE AT PRESIDENTIAL PRIMARIES 1912, 1916 AND 1920.

(Votes are indicated in thousands: 000 omitted)

	Calif.	Ind.	Ill.	Iowa	Md.	Mass.	Mich.	Minn.	Mont.	Neb.	N. H.	N. J.	N. Y.	N. C.	N. D.	Ohio	Ore.	Pa.	S. D.	Vt.	W. Va.	Wis.
1912																						
REPUBLICAN CANDIDATES																						
Roosevelt	139	[a]	267	[a]	30	83	[a]	[a]	[a]	47	[a]	61			24	[a]	29	274	38	[a]	[a]	
Taft	69		127		27	87				13		44	[a]	[a]	2		21	193	20			47
LaFollette	46		43							17		3			34		22		11			133
[i]*Percentage of party election vote cast at primary*	*87%*		*68%*		*50%*	*58%*				*61%*		*46%*			*122%*		*68%*	*70%*	*119%*			*94%*
DEMOCRATIC CANDIDATES																						
Clark	43		218		35	35				21							8					36
Wilson	17		76		23	15				14		48				89	10	98				45
Harmon					7					12						100						
[i]*Percentage of party election vote cast at primary*	*21%*		*72%*		*57%*	*29%*				*45%*		*28%*				*45%*	*52%*	*38%*	*25%*			*50%*
1916																						
REPUBLICAN CANDIDATES																						
Various candidates or unpledged delegates	220	176	156	[b]		105	123	71	6	87	13	No names on ballot	146	[a]	33	122		270	40	No names on ballot		110
[i]*Percentage of party election vote cast at primary*	*48%*	*51%*	[j]*30%*			*39%*	*52%*	*39%*	*9%*	*75%*	*31%*		*17%*		*60%*	*27%*		*38%*	*63%*			*50%*
DEMOCRATIC CANDIDATES																						
Wilson	75	160	137	[b]		20	85	45	9	70	6	25	112		12	85		142	18	4		109
[i]*Percentage of party election vote cast at primary*	*16%*	*50%*	[j]*30%*			*8%*	*30%*	*25%*	*8%*	*50%*	*15%*	*12%*	*15%*		*22%*	*14%*		*27%*	*31%*	*18%*		*56%*
1920																						
REPUBLICAN CANDIDATES																						
Wood		86	158	[a]	19		112	[a]	7	42	9	53		6		108	44	[g]4	31	3	51	
Johnson	370	80	45		10		156		21	63	2	32		15	30		46		26			
Lowden		40	222				62		6								16		26			
Hoover	290						52		5								15					
Harding		21							1							123						
Various candidates or unpledged delegates						93	25			30	4		[e]243					258				188
[i]*Percentage of party election vote cast at primary*	*125%*	*66%*	[j]*37%*		*25%*	*31%*	[d]*60%*		*60%*	[k]*114%*	*35%*	*39%*	*28%*	*17%*	*57%*	*50%*	*95%*	*40%*	[c]*67%*	*12%*	*81%*	*85%*
DEMOCRATIC CANDIDATES																						
Palmer							11											80				
Cox		No names on ballot	No names on ballot				11		No names on ballot			No names on ballot		No names on ballot		88				No names on ballot	No names on ballot	
McAdoo							18										25	[h]27				
Bryan							17															
Edwards							16															
Various candidates or unpledged delegates	23					22	[f]24			5	6		[e]113		6				7			
[i]*Percentage of party election vote cast at primary*	*5%*					*9%*	[d]*16%*			*35%*	*16%*		*15%*		*12%*	*14%*	*21%*	*21%*	*6%*			

[a] Law not in effect this year.
[b] Figures not obtainable.
[c] Women were granted suffrage in 1917.
[d] Women were granted suffrage in 1918.
[e] No presidential preference primary held for Republican candidates.
[f] Hoover, 24,000.
[g] Gen. Wood's name was not on the ballot. E. W. Wood received 258,000 votes.
[h] McAdoo's name was not on the ballot.
[i] Based on popular vote for Taft and Roosevelt.
[j] For 1916, based on half party vote; for 1920 on total party vote, because women could vote in the primary.
[k] Presidential suffrage for women, 1917.

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

WE need a thousand new members and we need them badly.

Many of this band of one thousand walk unrecognized among your friends and acquaintances. Like Diogenes, why not take your lantern and go out in search of them.

As the light of your discriminating glance falls on your group of friends and acquaintances quickly write down on the loose leaf in the front of this issue the names and addresses of those who are interested or should be interested in jacking up tottering systems of government and in cleaning up the town generally.

Diogenes sought an honest man, we include the women. They are shouldering political responsibility. The League needs them.

In November we will report the number of members sending names and the number of names sent. Later in the report of the number of members secured will come the sporting test of the power of your light!

II

THOSE interested in a more abundant city life should receive a vast encouragement from the favorable attitude of the courts towards building zone regulations as expressed in decisions this year. In January, the Minnesota supreme court reversed an earlier opinion and declared that the exclusion of undesirable buildings from affected districts by means of eminent domain and the payment of compensation constituted a "public use." In May, the Massachusetts supreme court in an advisory opinion held that a comprehensive zoning act would be constitutional, should the legislature see fit to pass one.

In July, the court of last resort in New York sustained the New York city zoning ordinance in these words:

"In a great metropolis like New York, in which the public health, welfare, convenience and common good are to be considered, I am of the opinion that the resolution was not an encumbrance, since it was a proper exercise of the police power."

III

Is the direct primary for the nomination of state and local officials to suffer because of the prevailing disrepute of the presidential primary? Signs are not wanting that attempts will be repeated in several states this winter to nullify the present effectiveness of the direct primary. Thus may be accomplished by indirection what politicians may not dare to do directly through a wholesale return to the old convention system. For with all its faults the people regard the primary more highly than the party convention.

The devices of direct primaries and non-partizan elections, welcomed so eagerly a decade or two ago, have not cured the ailments of our body politic. Politics is at bottom human nature, and a sound realism teaches us the vanity of trust in political cure-alls. Yet a party boss of the "sinister" type admitted the other day in private conversation that the direct primary and non-partizan election made it harder to hold the organization together and therefore he intended to bring about their repeal by the legislature of his state.

The crux of the scientific criticism of the direct primary seems to be in the lack of responsibility for the nominations so made, in view of the indifference of the better type of citizen to the primary, and the extreme probability that the successful candidate will be a minority choice. The machine is not seen at work, neither do results indicate clearly the part which it played.

Our great failure has been our inability to drive the machine into the open. This has been due largely to our unwillingness to accept government by party as a desirable situation. As a people we have been guilty of immature idealism. In New York an unofficial party convention names a candidate for governor. The same process takes place in each assembly district in selecting candidates for the legislature. The practice of unofficial conventions prevails in other states as well, and the primary follows the choice of the convention. The trouble is that the conventions are unofficial and irresponsible.

The solution lies in recognizing the party organization in law and thereby fixing responsibility for its selection of candidates, with opportunity for dissatisfied persons to appeal to the rank and file through a direct primary in case they believe the organization did not faithfully reflect the will of the party.

IV

Our statesmen, especially candidates for office, are quite willing to admit that the housing situation affords a legitimate opportunity for the exercise of the police power of the state. In the meantime the housing shortage grows more acute. New York reports that 75,000 new homes are needed at once; Chicago, 50,000; Detroit, 30,000; and other cities in similar ratios.

But how can the states and cities help when all economic forces are set the other way? One proposal is to exempt incomes from mortgages up to say $40,000 from the income tax. To this it is objected that mortgages paying 6 per cent or more if exempt as to income tax would offer no attraction to investors in view of present opportunities for investment elsewhere. The proposal to exempt new dwellings from taxation of any kind has been strenuously opposed by Mr. H. Otto H. Kahn on the ground that it will further increase the confusion of our tax system.

The cure is cheaper credit, cheaper materials and more effective labor. To supply the first a federal mortgage bank has been suggested, with building and loan associations, co-operative building associations and limited dividend companies as the intermediary agencies, after the analogy of the federal farm loan act. The success of the rural credits act of South Dakota, in force for some years past, inspired the legislature to submit an amendment to the constitution authorizing similar aid to urban building. Last summer, Italy by royal decree authorized the establishment of a National Building Credit Institute to extend financial aid to builders of dwellings not of a luxury character; interest on loans not to exceed 6 per cent.

But cheap and easy credit alone will not suffice. If the housing problem is as serious as we have been told, it is time that the government recognized its full responsibility with respect to working class housing. Public subsidies in the way of tax exemptions or otherwise may be necessary, but if it be also necessary to ration the distribution of building materials through a return to the system of priorities we should accept the heroic remedy.

If, as the politicians say, housing is a matter for the police power, it is time they gave it some real thought.

H. W. Dodds.

TOLEDO'S PERENNIAL STREET RAILWAY PROBLEM[1]

BY WENDELL F. JOHNSON

Secretary, Toledo Commission of Publicity and Efficiency

THE Toledo street railway company withdrew its cars from the city in the fall of 1919 and later service was renewed by order of the federal judge of the district, following approval of an ouster ordinance. The date of the ouster was extended and a joint street railway advisory commission was appointed. One branch prepared a franchise based on the cost of service idea while the other prepared a plan for a municipally owned and operated system. The former commission finally deadlocked on the valuation of the system but the latter submitted legislation for a bond issue, together with a report, to the city council on May 24, 1920. The measure was superseded by two ordinances, one for "acquiring" and the other for "constructing" a system.

The fate of the Toledo street railways still hangs, undecided, in the balance. The city's street transportation problem, which has perplexed the people, the company and the city government for the last twenty years, remains unsolved, after the failure of the latest attempt at a solution.

This latest attempt took the form of a proposal for the issue of $7,000,000 of municipal bonds with which to finance the acquisition of a city-owned transportation system. The proposal was submitted to vote at the primary election, August 10, and was defeated by a vote of approximately 8,000 for and 12,000 against.

It is safe to say that the result of the election was a distinct surprise not only to the municipal ownership group but to the opposition as well. Friends of the municipal ownership project account for the defeat by the following possible factors:

1. The small vote. Because it was a primary election, and not a general election, only about 45 per cent of the registered voters participated. The usual city vote is 45,000.

2. Over-confidence on the part of the municipal ownership advocates. Many neglected to vote, because they were so certain of a favorable result.

3. Doubt as to the validity of the bond ordinances. An injunction against the election had been granted by the United States district court on the ground that certain procedure required by the city charter had not been complied with. The order was later suspended by the federal court of appeals, but the cloud cast upon the validity of the ordinances caused confusion and did irreparable damage to the municipal ownership cause.

4. A campaign of misrepresentation carried on by two reactionary opposition newspapers, in which the slogan, "A mortgage on the homes of the taxpayers," was repeatedly kept before the public. It was a campaign in which public-spirited civic-minded citizens who had espoused the cause of public ownership were subjected to all manner of ridicule, aspersion, and abuse. Hints of personal interest in the expenditure of the proposed $7,000,000,

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[1] See earlier article, NATIONAL MUNICIPAL REVIEW, August, 1920, p. 514.

made subtly against men whose reputations were beyond reproach, were thrown out again and again, until the suspicions they sought to engender took root and thrived.

If the vote on the ordinances was really representative of the sentiment throughout the city, the election was but a repetition of the old story: municipal ownership of public utilities is all right if the city doesn't have to pay for them. That is the only possible basis for the bug-bear of "a mortgage on every home." It was not the first time that a city has turned down concrete proposals for purchase of a utility, after it has repeatedly approved the general principle of municipal ownership.

If, on the other hand, the vote did not correctly guage public sentiment on the bond issues, then the election means only that the trend toward city ownership has met a temporary obstacle which will eventually be overcome. The test of the question will come soon. For it is now planned to submit at the November election a proposed cost-plus franchise, which was prepared contemporaneously with the municipal ownership plan but which was not submitted to vote because the company had declined to accept it.

This franchise was finally agreed to by the company, under the pressure of the forthcoming bond elections. Their acceptance paves the way for submission of the proposed grant to a popular vote at the general election in November. Legislation for that purpose has been passed by the City Council, together with legislation to re-submit the two bond issues defeated in August. Toledo will therefore have an opportunity on November 2nd to choose between two alternatives: a grant to the present company, or a municipal transportation system.

ASHTABULA'S ATTACK ON P. R. AND THE CITY MANAGER

BY EARL WILLIS CRECRAFT

Professor of Political Science, University of Akron

An amendment to the city charter of Ashtabula, abolishing P. R. and the city manager plan, has been submitted by popular petition and will come to vote in November. :: :: :: :: :: ::

I

FRIENDS of the city manager plan in Ohio have been interested in the reports coming from Ashtabula that that city is going back to the old mayor and council plan of government. Representing the bureau of municipal research in Akron, where the city manager plan is in its infancy, the writer went to Ashtabula to acquire first-hand information.

Among those interviewed in Ashtabula, were the city manager, the city clerk, two members of the council, a former member of the council, the postmaster, the secretary of the chamber of commerce, and one newspaper editor. All of these agreed, irrespective of party, that the city manager plan was an improvement over the old form of city government. Likewise they agreed that it was the Hare system of proportional representation that was not so successful; and fear was expressed lest the latter's unpopularity might cause the city manager plan to be voted out in the near future, since the two are very closely related.

Whatever strength the movement to do away with the manager plan and the Hare proportional representation plan has, can best be understood by beginning with the political background in Ashtabula. There is a certain amount of discontent on the part of the voters at present with the poor gas supply and with the inadequate street car service. The council and city manager have had both of these problems on their hands.

The council has as yet been unable to accomplish anything besides hold sessions. Action has not been forthcoming. The popular dissatisfaction at the moment seemed to appeal to one of Ashtabula's professional politicians who aspires to go to congress, and he has proceeded to capitalize it. Assisted by some young lawyers who would like to be elected to the office of city solicitor, if that office could be made elective and thus taken from the appointive power of the city manager, the group has caused a petition to be circulated calling for an amendment to the charter which, if adopted, will abolish the city manager plan and place the appointive offices once more on the elective list.

II

As stated above, the Hare proportional representation plan has not been satisfactory. It is blamed at present for having produced the kind of council that the city now has. Two Italians and one Swede are on the present council and it is stated that the Italian representation is out of proportion to the number of Italians in the city. One member of the council stated, on the morning after a long and wearisome session held to discuss the street car situation, that certain members of the council did not seem to be able to comprehend such terms as "sinking fund" and "depreciation." Certainly the Ashtabula council is not giving entire satisfaction.

If this is true, in fairness it should perhaps be realized that the fault may lie not so much in the Hare plan, as in the fact that it is difficult to get the kind of councilmen the city needs to stand for election. This is the view that a former councilman in Ashtabula holds. This councilman, who was himself defeated under the present election plan, is nevertheless favorable to proportional representation, and is an impartial critic.

However, the petition that was circulated as a result of these combined circumstances, calls for a return to the old type of government and the elimination of the Hare system of voting. One of the prominent men of Ashtabula states that on investigation it was found that many people signed the petition under the impression that it called for a change on the Hare plan alone, and that it did not affect the city manager plan at all. This statement is affirmed by most of the other persons interviewed.

III

The petition is now (July 16) in the city clerk's office, and, unless something is done to separate the two propositions, they will both go before the voters at a special election, or at the general election in November, the latter being more likely.

One of the best informed men in Ashtabula says that it will be possible to defeat the proposed charter amendment if the fight is made upon it by those who favor the city manager plan and who wish to save it. In this event, he states, the Hare plan may also be saved.

This view was not shared by most of the others interviewed. It was their belief that the unpopularity of the Hare proportional representation plan would result in the defeat of both. Meanwhile, the friends of the city manager plan have become active. An open discussion was held at the chamber of commerce in which both sides were invited to present their views. If there were any present who were opposed to the city manager plan, they did not have anything to say. All the talks made were by those who were convinced that the plan was an improvement over the old plan.

At this meeting the city manager gave some facts to show what he had accomplished during his term in office. The city bonded debt had been reduced from $458,340 to $448,050, and the sinking fund increased from $47,585 to $128,032. With prices increasing at a rapid rate, the city manager stated, Ashtabula, under business-like methods, had been able to live within its income, a thing which very few Ohio cities have been able to do.

A former mayor of the city, speaking at the same meeting, defended the city manager plan by showing that in the matter of sidewalk improvements, the city manager was able to get improvements done more quickly. In the work of improving streets, also, testimony was gathered that the manager had made marked headway.

Returning to the council, the lack of co-operation between the members of the council themselves and between the council and the manager is believed to be the result of a system of election which produces such a variety of interests and nationalities. While the council may be representative in a way, it is not a body that works smoothly. It lacks what may be called a sense of collective responsibility to the public.

One city official stated that it was a regular occurrence for the presiding officer of the council to call for a motion, if any member had one to offer, declaring the term of any appointive official of the council at an end. A roll call of the appointive officials would then be held and a resolution would be offered declaring the office vacant, in any case where a councilman had such a motion to offer. Such resolutions were offered at a council meeting some time ago in the case of every appointive city official, with the exception of the city clerk; but the necessary number of votes was in no case secured. A councilman, it is stated, is likely to permit some petty personal feeling to induce him to vote for the removal of an official at any time. Such a practice discloses a condition which may account for the lack of aggressiveness that is sometimes pointed out as a fault of the present city manager.

While he is commended by many for the things he has accomplished, the manager comes in for some criticism. It is pointed out by a council member that he should make definite recommendations to the council, and that he should not confine himself so much to office details. These and other criticisms seem to indicate that there is need for determining more correctly the relationship between the city manager and the council.

IV

The city manager in Ashtabula, as in Akron, is a local man. The belief seems to be common that there is no place where trained city managers can be found, and that a local man is the best proposition on that account. The city manager plan in any city will be more likely to be successful, if facilities for training city managers are developed and made use of in the future.

While the present article is not an attempt to produce an array of facts to substantiate some of the statements contained, it is intended to set down as accurately as possible what was gathered in a short period of one day spent in Ashtabula, the city which first adopted proportional representation and which has been under the city manager plan since 1914.

WHITE PLAINS LOOKS AHEAD

BY HERBERT S. SWAN[1]

White Plains adopts zoning to guide its growth while its future is still in front of it instead of waiting until its development is ruined and then making a post mortem. :: :: :: :: ::

I

MORE than a hundred thousand commuters travel on trains to and from New York every day. With their families these persons represent half a million New Yorkers living as far as forty miles away but yet as much an integral part of the city as if they lived on Central Park West—earning their livelihood in the skyscraper district, shopping on Fifth Avenue, reading metropolitan newspapers, attending Times Square theatres, belonging to Manhattan clubs—New Yorkers in every sense of the word, though scattered among eleven counties of three different states—Bergen, Essex, Hudson, Passaic and Union counties of New Jersey; Fairfield county of Connecticut; and Westchester, Nassau, Orange, Rockland and Putnam counties of New York. Of this large population, 17 per cent maintain their dormitories on Long Island; 30 per cent in Connecticut and the two counties of New York east of the Hudson; and 53 per cent in New Jersey and the two counties of New York west of the Hudson.

White Plains, one of the finest commuting suburbs in the vicinity of New York, is located in Westchester county, twenty-two miles north of the Grand Central station, a distance covered by the electric trains on the Harlem river division of the New York Central Railroad in thirty-eight minutes, a briefer time period from 42d street than Washington Heights is from Wall street.

II

The high class, residential character of White Plains has been established solely through the mutual forbearance and self-restraint of her real estate owners. It has not developed through any legal protection afforded by the city in the past, for so far as the city has cared a man might do anything with his property.

Buildings could everywhere be erected to any height, the only limit was the sky. An apartment, store, factory or garage could be built anywhere, whether it was alongside a home, a church, a hospital or a school. It was a case of triumphant democracy, no lot was too good for any use and no use inappropriate for any lot. A builder might, in building his home, leave a space, if he so preferred, between the house and the lot line but he didn't have to, and if he did, it could be of any width, six inches being equally as good as six feet in the eyes of the law. Rooms were not required to have windows, dark rooms might be built, but if windows were provided a window on the narrowest court or the lot line was just as acceptable to the building inspector as one on a street. In New York, tenements have for the past twenty years been prohibited from occupying more than 70 per cent of an interior lot; in White Plains they could occupy 90 per cent of the lot. The self-restraint and forbearance of her real estate men, not her building regulations, have stamped the development of White Plains.

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[1] Secretary, Zoning Committee, New York; Consultant, Zoning Commission, Newark, New Jersey; Consultant, Zoning Commission, Yonkers, New York; Consultant, City Planning Commission, White Plains, New York; Consultant, Zoning Committee, Cliffside, New Jersey; Consultant, Zoning Commission, Montclair, New Jersey.

The population, which is made up almost exclusively of commuters, aggregates 23,000. The city contains absolutely no factories and only such shops as are necessary to cater to the personal needs of the inhabitants.

Of the residential buildings, 88.5 per cent are one-family dwellings; 6 per cent two family dwellings; and 5.5 per cent tenements. Two-thirds of the families reside in private houses; one-twelfth in double houses; and one-fourth in tenements. The average number of families per residential building, whether dwelling or tenement, is only one and one-third. The average number of families per tenement residing in the 156 tenements of the city is only four. Not a single tenement is over four stories in height and, outside the downtown business section, it is the exceptional apartment that occupies more than 50 per cent of the lot. The heavier trades have on their own accord located in the vicinity of the railroad, and stores have almost invariably been built on the natural business streets. Altogether there are probably not more than a dozen business establishments in the city which have depreciated property values through invading residential districts.

III

What abuses, then, have resulted from the lack of control? If a development has occurred without any legal guidance or restraint which in its character is distinctly superior, even superior to that which may be found in communities that have had the most far-reaching regulations for years, why bother with either rules or districts to mould the future city? How will White Plains benefit by zoning? The answer is that zoning will produce a still better community for the evil consequences that flow from complete freedom in building have already commenced to make themselves felt.

Sporadic apartments have invaded private house districts; building lines have occasionally been ignored; here and there an excessive proportion of the lot has been occupied; windows have in some instances been placed on the lot line; and the number of open spaces of an insufficient size for light and ventilation is increasing.

But these lapses are not so numerous nor are they multiplying so rapidly as at present to threaten the preëminently high-class residential character of the city. It is what may at any moment happen on the neighboring lot that is the thorn in the security and happiness of every owner.

The fact that an apartment, a store, a factory or a garage might be built tomorrow on any lot in the city served to dampen the home-owning ardor of the most enthusiastic resident. The rumored erection of a building that would not comport with the amenities of its environs had more than once terrorized the peace of the community and thrown it into paroxysms of fear less its attractive gardens and cozy homes would be raped by the ugliness of bare brick walls, noisome odors, or harsh grinding wheels, and instances were not unknown where the cold mercenary hand of the exploiter had been stilled only upon the payment of tribute, where the residents had actually ransomed the beauty and quiet of the city by purchasing the offending lot at an exorbitant price, the plundering brigand, however, being left free to prey on his next victim.

It was anticipation of the ruin and devastation that would accompany continued lack of control over building, rather than the actual havoc wrought by unregulated building, that persuaded White Plains that it would be a wise move to adopt zoning. "Why," reasoned the mayor, the city fathers, the planning commission, headed by Mr. Tibbits, who, though he has lived a long time is still very young, being now only seventy-eight, and the local chamber of commerce, "should we wait until the city is ruined before we act?" When some one hinted that it was rank heresy, indeed, an absolutely unheard of thing for a city to indulge in any vision until it had already commenced to perish, the five men and one woman of the council said: "Now we know we are right. A city without vision is like a man without ambition; it flounders and drifts, it drifts and flounders, getting absolutely nowhere. If White Plains is too ignorant or too lazy to plan for its own future, we may find that it will soon have no future to plan for."

And so the city was zoned. Henceforth hit-or-miss haphazard growth must give way to intelligent direction and plan. Unphilosophic anarchy, with all the injury and fatality it inflicts upon development, is a thing of the past. The ceaseless construction, demolition and reconstruction of buildings that occurs in the absence of zoning, the erection of buildings inappropriate to the locality which not only depreciate the value of neighboring buildings but which in their turn will have their own value depreciated by other buildings harmful to them—this has been replaced by system, law, order; in brief, by a comprehensive, city-wide building plan in which each building is not only given its proper place but protected against all future buildings improperly placed.

The present value of the plan viewed in dollars and cents to real estate is estimated at over a million, but viewed in civic progress and achievement, its value is beyond appraisal; the cornerstone of solid future growth has at last been laid, a vision of a fairer, nobler, better city seen, and the first step towards its realization taken.

SOLDIER BONUS LEGISLATION IN THE UNITED STATES

BY RUTH MONTGOMERY

Sub-Librarian, Legislative Reference Section New York State Library

"IN order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the commonwealth, and in recognition of the services of certain residents of Massachusetts in the army and navy of the United States during the war with Germany, to the full extent of the demands made upon them and of their opportunity, the payments hereinafter specified are hereby authorized."

"As a token of the appreciation of the character and spirit of their patriotic service and to perpetuate such appreciation as a part of the history of Wisconsin."

These two preambles to the laws of Massachusetts and Wisconsin, respectively, show the motive behind the action of states in providing some sort of concrete evidence of their appreciation. This has taken many forms from the opening of soldiers' homes to veterans and the waiving of a license fee for peddling to the important one of an actual bonus of cash or aid in educational preparation or relief.

CASH BONUS IN EFFECT

Massachusetts, Minnesota, New Hampshire and Wisconsin have already passed laws granting sums of money without qualification as to its use. The laws of the states are similar in most respects differing chiefly in the amount and method of raising the funds for meeting the payment of bonds issued. In each case, a dishonorable discharge or conscientious or other objection to any military law or order disqualifies the soldier. Men in the S. A. T. C. are not included in the bonus provisions. In case of death heirs or dependents are entitled to the benefits of the act. As early as 1917, Massachusetts passed a law authorizing the payment of $10 to non-commissioned officers and privates for each month of service between February 3, 1917, and January 5, 1918. A bond issue of $1,500,000 was made to meet this loan. By an act in 1919, Massachusetts will pay to all officers, enlisted men, field clerks and nurses in active service between February 3, 1917, and November 11, 1918, who were residents of the state six months prior to enlistment, the sum of $100. The treasurer and receiver general are authorized to issue bonds as needed not to exceed $2,000,000. The amount necessary to pay the principal and interest is to be raised by the assessment of a poll tax on males over 20 years of age, $5 from 1920 to 1923, and $2 thereafter. Persons entitled to the bonus need not pay this tax. A special tax of $3 for every poll is to be levied on each city and town from 1920 to 1923. Any balance which may be needed will be raised from special taxes levied as the legislature may direct.

Minnesota will pay to all residents of Minnesota who were a part of the military and naval service of the United States or any of the nations associated with the United States the sum of $15 for every month of service between April 6, 1917, and the conclusion of peace with Germany, $50 being the minimum bonus. A soldiers' bonus board is created consisting of the auditor, treasurer and adjutant-general. This board is authorized to issue certificates of indebtedness to an amount not to exceed $20,000,000, drawing interest at 5 per cent per annum. The proceeds of the sale of these certificates are paid into a fund called the soldiers' bonus fund. To provide for the payment of the interest and principal of certificates the auditor is authorized to levy a tax of $2,000,000 for nine years.

New Hampshire will pay to any resident of New Hampshire, serving in the military or naval forces of the United States or allied countries, the sum of $100. In the original law of March, 1919, $30 was the amount determined upon but in special session in September an additional $70 was allowed. The treasurer is empowered to borrow money and issue notes to carry out the provisions of the act. For the $30 bonus a special tax of $600,000 is to be levied; for the $70 bonus an additional $2 poll tax will provide a sinking fund for the $15,000,000 loan required to meet it.

Wisconsin has created a service recognition board, consisting of the governor, the adjutant-general and a returned soldier appointed by the governor. This is the administrative board which cares for the payment of the bonus to each resident of Wisconsin serving in the armed forces of the United States, including Red Cross nurses. The bonus amounts to $10 for each month in service, with $50 as a minimum. A tax not exceeding three mills on the dollar and an income surtax provides the fund which aggregates approximately $15,000,000. The proposition was submitted to the people at a special election in September and carried.

PROPOSED CASH BONUS

The legislatures of Maine, New Jersey, New York, and Rhode Island have passed laws subject to the approval of the people in fall elections which provide for the payment of a cash bonus.

On the adoption of an amendment to the constitution allowing the issuing of state bonds for a bonus, Maine proposes to pay to all officers, enlisted men and nurses the sum of $100. Bonds will be issued to the extent of $3,000,000 maturing in 10 years. Amounts necessary to meet the principal of the bonds will be raised by an annual tax of $300,000 plus an amount sufficient to meet the interest. A soldiers' bonus board, composed of the auditor, treasurer and adjutant-general, will administer the fund.

New Jersey will vote in the November election on a bond issue of $12,000,000 to pay all persons regularly enlisted in the military and naval forces between March 25, 1917, and November 11, 1918, $10 a month for each month in service, $100 being the maximum bonus. The bonds, which will run for 20 years at 5 per cent, will be redeemed by a soldiers' bonus tax levied on the real and personal property in each county. The administrative board will be made up of the comptroller, treasurer, and adjutant-general and a returned soldier selected by the three.

New York will also vote in November on a bond issue of $45,000,000 to pay each person who was and is now a resident of the state who served actively in the military or naval forces between April 6, 1917, and November 11, 1918, for a period longer than two months, $10 a month for each month in service, $250 being the maximum bonus. Officers of the army and marines above the rank of captain and of the navy above the rank of senior lieutenant are not eligible. A clause in the act provides for a fund to be established for use in aiding persons disabled in service. A special commission appointed by the legislature will administer the fund.

On the approval of a bond issue each person in the military and naval service, including women yeomen, who were residents of Rhode Island at least six months before enlistment and who served between April 6, 1917, and November 11, 1918, will receive $100 from the state. The fund is to be raised by a bond issue of $2,500,000, bonds maturing in 25 years and bearing interest at 4½ per cent. Three citizens of the state, one a returned soldier, will administer the fund.

EDUCATION BONUS

Another form which has been used as an evidence of appreciation is the payment of money for educational purposes only. Taking for granted that the proposed laws will be approved, the same number of states have provided this sort of reward. Minnesota, New York and Wisconsin have educational aid in addition to the cash bonus, the law of Wisconsin being particularly noteworthy.

The plan in Colorado is to lend $200 to any returned soldier or sailor who was in the military or naval forces of the United States during 1917 and 1918, the money to be used only for the expense of vocational or other education in some Colorado school. The qualifications of the applicant are passed upon by the education loan board, composed of the governor, treasurer and superintendent of public instruction. A promissory note is given by the applicant payable to the state at the end of five years, with interest at the legal rate beginning three years after the date of the note. Two hundred thousand dollars have been appropriated to carry out the provisions of the act.

All residents of Illinois serving in the military or naval forces and possessing the necessary entrance requirements are awarded normal school scholarships or University of Illinois scholarships. Any person who was already studying in these institutions at the time of enlistment is entitled to complete his course without tuition or matriculation charges. Four years is the time limit for these scholarships.

Iowa has made no other provision than to permit a soldier, sailor or marine "to attend public schools as many months after becoming 21 years of age as they have spent in the military and naval service of the United States before they became 21."

In Minnesota it is optional with the individual whether he accepts the cash bonus or the scholarship of $200. If the bonus exceeds the scholarship he is entitled to the difference. The money is to be used for a course in the University of Minnesota, in the normal schools or any approved Minnesota educational institution, or if the student at the time of induction into military service was enrolled in a college outside the state he may resume his studies therein and receive the benefits of the scholarship. Any tuition already paid is refunded. The provisions of the act apply to Red Cross workers as well as to persons in actual military or naval service.

In 1919 450 scholarships were established in New York for the benefit of resident soldiers, sailors and marines in the service of the United States meeting the necessary entrance requirements. Competitive examinations are held once a year for the selection of students. They may enter any institutions in the state. The scholarships amount to $100 for tuition and $100 for maintenance. The law was amended in 1920 to extend the provisions to nurses. One hundred and fifty scholarships had been allowed at the time of the amendment, 150 more are to be granted on July 1, 1920, and on July 1, 1921. The same individual may receive benefits under this act for three years. Already $90,000 has been appropriated.

North Dakota has levied a tax of one-half mill for a special "returned soldiers' fund." From this will be paid to any honorably discharged soldier or sailor who has served during the war with Germany $25 for every month in service. The law stipulates that this money must be used for acquiring a town or farm home or for the completion of his education. The adjutant-general and state industrial commission co-operate in the administration of the law.

Oregon has by a referendum vote established a system of educational aid under close supervision. A levy of two tenths of a mill on the dollar creates the fund from which all honorably discharged persons, exclusive of those doing civilian work or in the S. A. T. C., are entitled to receive not more than $200 a year to be used in defraying expenses of their education in any institution within the state. The same individuals are entitled to this amount for four years. To receive full bonus the applicant must carry at least 60 hours of work a month. The executive head of an institution is required to file a monthly statement with the secretary of state showing record of attendance, hours of recitation and progress of student. The superintendent of public instruction is required to investigate from time to time institutions in which soldiers are enrolled.

South Dakota has appropriated $15,000 to pay tuition of any resident of the state who served in the army or navy during the war, including Red Cross nurses. Courses may be taken in any school under the control of the state board of regents.

In Utah and Washington payment of certain fees is not required of ex-service men for attendance at the Agricultural College of Utah or at the University of Washington.

Up to July, 1924, Wisconsin will pay $30 a month to any resident of the state who served at least three months with the United States military or naval forces, including nurses, except those men in the S. A. T. C. and those doing civilian work. The money is to be used for the continuation of education at any educational institution in the state,—elementary, higher or vocational. It is to be paid only while in regular attendance at school and the total is not to exceed $1,080. Provision is made for payment for attendance at any school in the country if training desired is not available in the state. The bonus is authorized for only one year but may be renewed three times if progress has been satisfactory. The funds for this bonus are raised by a tax of one mill on the dollar of assessed valuation for five years and a surtax on incomes of individuals and corporations. A veteran is not entitled to this bonus in addition to the cash bonus, he must elect the one he cares to receive. Correspondence courses may be taken free by any person who is qualified for either this or the cash bonus.

RELIEF FUNDS

Two states, Connecticut and Wisconsin, have funds for the relief of ex-service men. Connecticut has authorized her treasurer to buy United States bonds to the amount of $2,500,-

000. The interest from this is turned over to the treasurer of a state organization of soldiers, sailors or marines and paid through him to any member or his dependents who may be in need of food, clothing, medical attention or other aid. Wisconsin again expresses her appreciation by making an appropriation of $2,500,000, from which $30 a month may be expended for the relief or support of sick, or disabled soldiers and sailors.

EFFECT OF FARE INCREASES UPON STREET RAILWAY TRAFFIC AND REVENUES

BY DELOS F. WILCOX, PH.D.
New York City

Under the service-at-cost franchise, recently endorsed by the Federal Electric Railways Commission, rates are regulated by costs. But will higher fares bring increased returns sufficient to solve the financial difficulties of our street railways without impairing their usefulness as a public utility? :: :: :: :: :: :: :: :: ::

The Federal Electric Railways Commission, in its report to the President, says:

> Unless the usefulness of the electric railways is to be sacrificed, public control must be flexible enough to enable them to secure sufficient revenues to pay the entire cost of the service rendered, including the necessary cost of both capital and labor.

The commission favors private ownership and management, and is opposed to public subsidies unless they are "imperatively necessary for the preservation of an essential service, and only as an emergency measure." The commission also says:

> It is of the highest importance that both the total cost of the service and the cost to the individuals who use it shall be kept as low as possible without injustice to those who take part in producing it.

The commission recommends an indeterminate franchise and "service-at-cost" with no top limit on rates.

With the upward sweep of prices and wages constantly mounting, the "vicious circle" has a cumulative effect upon fares. The solution of the financial problem of the street railways would be comparatively easy, if all that was required was to raise the rates. But even though street railway service has been regarded as essentially monopolistic, the advent of the jitney bus has largely destroyed its monopoly character in many communities, and anyhow a large part of the traffic handled by street cars is known as "convenience" traffic. Local transportation facilities are no doubt essential to every large urban community, but not all the transportation service taken is essential in the sense that people have to take the rides no matter what they cost. It is a commonplace in street railway philosophy that short-haul and off-peak riders are the most profitable, if the cars can only get a lot of them. An increase in unit fares tends to diminish, or at least to check the development of, these kinds of traffic. And so we have a very pretty problem in street railway operation. The increase in unit fares, which seems so simple and so logical a remedy where costs have increased, may have the double effect of "killing the goose that lays the golden egg" for the operators, and of so restricting the usefulness of the cars as to destroy their character as a public utility for general convenience.

Upon undertaking for the Federal Electric Railways Commission an analysis of the testimony taken at its public hearings, I found that the record did not contain sufficient data in relation to the effect of fare increases to make possible any clear and certain judgment upon this all-important point. Therefore, I arranged with the secretary to get for me, through a special questionnaire addressed to all of the principal street railway systems of the country, detailed information showing month by month from January 1, 1917, to the date of the inquiry the number of revenue passengers carried, the amount of passenger revenue collected, the dates and exact nature of fare changes, the dates, extent and duration of strikes and a statement of other special causes of a local character having a marked effect upon traffic. From these data it was possible to compare fare changes and growth in traffic and revenues, for the first nine months of 1919 with the first nine months of 1917, on systems which together carried more than 75 per cent of the street railway traffic of the country. The year 1918 was left out of consideration because traffic during that year was abnormally low except in spots. Even as between 1917 and 1919 the results on particular systems show great variations. For example Minneapolis, with no increase in fare, showed an increase of only 3 per cent in traffic, whereas Washington, with an increase of 19½ per cent in the average fare paid, nevertheless showed an increase of more than 46 per cent in traffic. This great difference was undoubtedly due to the fact that Washington was swarming with people all through the war and demobilization periods. Where war activities were exceptionally intense, the tide of traffic seemed to sweep over the barriers of fare increases without let or hindrance.

In order to draw reliable conclusions from the available data, it seemed necessary to get a mass effect, and so the transportation areas or systems were divided into four groups, as follows:

Group A, where fares were not increased more than 3 per cent.

Group B, where fares were increased between 3 and 10 per cent.

Group C, where fares were increased between 10 and 25 per cent.

Group D, where fares were increased more than 25 per cent.

The results of the analysis are shown in the following table taken from my report to the commission:

GENERAL SUMMARY OF ANALYSIS OF EFFECT OF FARE INCREASES UPON TRAFFIC AND REVENUES OF PRINCIPAL STREET RAILWAY SYSTEMS OF THE UNITED STATES

Class	Number of cities or systems in class	Number of revenue passengers carried 1st 9 months of 1917	Per cent of total electric railway traffic of country	Average fare per revenue passenger 1st 9 months of 1917, cents	Number of revenue passengers carried 1st 9 months of 1919	Average fare per revenue passenger 1st 9 months of 1919, cents	Per cent increase in average fare paid 1st 9 months of 1919 over 1st 9 months of 1917	Per cent increase in number of revenue passengers carried 1st 9 months of 1919 over 1st 9 months of 1917 (D—indicates decrease)	Per cent increase in passenger revenue 1st 9 months of 1919 over 1st 9 months of 1917
A	13	2,465,440,094	29.16	4.93	2,837,238,677	4.95	0.41	15.08	15.65
B	11	908,511,165	10.74	4.98	1,005,987,031	5.31	6.63	10.73	18.11
C	29	1,583,795,790	18.73	5.28	1,689,085,597	6.22	17.80	6.65	25.63
D	15	1,521,714,987	18.00	4.62	1,406,987,088	6.55	41.77	7.54(D)	30.97
All	68	6,479,462,026	76.63	4.95	6,939,298,393	5.64	13.97	7.10	21.96

This table shows pretty clearly the relation of fare increases to increases in traffic and revenue:

	A	B	C	D
Fares increased......	0.41%	6.63%	17.80%	41.77%
Traffic increased......	15.08%	10.73%	6.65%—	7.54%
Revenues increased....	15.65%	18.11%	25.63%	30.97%

It is clear from these figures that fare increases did not go far enough in any of the groups of cities to cause a decrease in revenue; but an average increase of approximately 42 per cent in the fares yielded an increase of 31 per cent in revenues, while stationary fares brought in 15 per cent more revenues through normal traffic growth. Translated into plain English, this means that a seven-cent fare would ordinarily bring 15 per cent more revenue than would have been brought in by the five-cent fare during the same period.

A comparison of the results in the eight greatest transportation areas of the country for the first six months of 1919 with the results for the corresponding period of 1917 seems to show the definite effects of fare increases in individual communities, as will appear from another table taken from my report to the commission. In this case, I have included 1918 also in the comparison, and have indicated in the footnotes the status of the fares on each particular system. The growth of jitney traffic in Newark is included for comparison with the decrease of traffic on the Public Service Railway system. The table follows below.

These figures tend to show that unlimited fare increases present a very serious problem from the social point of view, and that a program of continued private management requiring sufficient revenue from the fares to yield a return attractive to new investors has an altogether uncertain future. Some street railway men are of the opinion that as long as the roads need more money fares should be increased up to the point where they yield the maximum revenue that can be extracted

REVENUE PASSENGERS CARRIED ON PRINCIPAL URBAN STREET RAILWAY SYSTEMS FOR THE FIRST SIX MONTHS OF 1917, 1918 AND 1919

System	Revenue passengers January to June, 1917	Revenue passengers January to June, 1918	Revenue passengers January to June, 1919
1. New York Elevated, Subway and Surface Lines......................	990,535,666 (1)	979,221,796 (1)	1,091,844,103 (1)
2. Chicago			
Elevated Lines..................	97,203,477 (1)	102,121,490 (1)	95,101,135 (2)
Surface Lines...................	346,361,384 (1)	328,732,667 (1)	373,938,449 (1)
All Lines......................	443,564,861	430,854,157	469,039,585
3. Philadelphia Elevated, Subway and Surface Lines......................	291,942,084 (3)	306,846,686 (3)	348,592,436 (3)
4. Boston Elevated, Subway and Surface Lines..........................	190,250,992 (1)	185,699,883 (1)	168,383,307 (4)
5. Public Service Railway (N. J.)........	174,998,110 (1)	175,354,680 (1)	158,214,468 (5)
6. Detroit (one-fare zone)...............	157,794,827 (6)	132,543,905 (7)	150,643,390 (8)
7. Cleveland.........................	143,766,868 (9)	142,083,699 (10)	139,722,656 (11)
8. Pittsburgh........................	131,789,642 (1)	116,428,150 (12)	122,319,998 (13)
Newark Jitneys....................	4,466,377 (14)	7,516,608 (14)	16,249,008 (14)

(1) 5-cent fare with free transfers.
(2) 6-cent fare with free transfers.
(3) 5 cents initial fare with 3 cents exchange tickets at a majority of transfer points.
(4) 8-cent fare with free transfers.
(5) 7-cent fare during 4 months and 28 days, and 6-cent fare during 1 month and 3 days, with 1-cent initial transfer charge during the entire period.
(6) Mixed system of fares; average fare per revenue passenger, 3.62 cents.
(7) Mixed system of fares; average fare per revenue passenger, 4.57 cents.
(8) Mixed system of fares; average fare per revenue passenger, 4.66 cents.
(9) Mixed system of fares; average fare per revenue passenger, 3.40 cents.
(10) Mixed system of fares; average fare per revenue passenger, 3.84 cents.
(11) Mixed system of fares; average fare per revenue passenger, 5.29 cents.
(12) Mixed system of fares—changed twice during period; average fare per revenue passenger, 5.51 cents.
(13) A double zone system; average fare per revenue passenger, 6.27 cents.
(14) 5-cent fare without transfers.

from the pockets of the fare payers. It hardly seems appropriate at this stage of urban development to make ability to sustain itself from the fares collected the touchstone of public necessity in local transportation service. The Federal Electric Railways Commission frowns upon public ownership and operation, and also frowns upon public subsidies. It proposes no upper limit on fares except the cost of the service. In these respects its recommendations are diametrically opposed to the recommendations of the Massachusetts Public Service Commission, based upon the experience of the commonwealth that has had more experience than any other with street railway fare increases. After reviewing the entire situation, the Massachusetts commission in January, 1919, said:

> Viewing the matter in the most favorable light, there is a chance that higher fares will, in time, cure the financial ills of our street railway companies, but the chance does not seem great, and there is no immediate prospect of such a cure. In the meantime the increased rates are injuring the community in ways that are evident.

I do not doubt that moderate fare increases may be effected under some conditions without a seriously adverse effect upon the usefulness of the street cars, but the program to which the electric railways have committed themselves and which, to a marked degree, has received the sanction of the Federal commission is, in my judgment, a perilous one. The Massachusetts commission's view seems to me to be more constructive and more helpful. It says:

> It is difficult, therefore, to escape the conclusion that the only plan which can be really effective in meeting the needs of the existing situation is the outright purchase or taking of the railways by the municipalities or by the commonwealth. Under public ownership there would be no trouble about capital, for the credit of the railways would be the credit of the community. Nor would there be any difficulty as to fares, for the commonwealth could at will continue the present policy of placing the entire burden upon car riders, or shift such portion of this burden as it saw fit to general taxation.

ONTARIO'S FARMER GOVERNMENT

BY J. OTHMAR ROBINSON

Member of the Staff of the Citizens' Research Institute of Canada

The United Farmers of Ontario were victorious at the elections last year and have now been in control through one legislative session. Obviously their program does not contemplate a social revolution. ::

THE present farmers' party in Ontario, Canada, is the culmination of a movement which began as a result of dissatisfaction with economic conditions. The movement on the part of the farmers has gone through the stages of complaining, discernment of the causes of grievances, and organization along economic and finally along political lines.

ECONOMIC CAUSES

It has been the contention of the farmer that he has been unable to earn sufficient money to pay a fair rate of interest on his capital investment and be recouped for his own time and labor. He has understood but little of market conditions which have regulated the prices of goods which he sold and which he bought. As producer he was the first in the long line through which goods must pass until they reach the consumer and, therefore, received the initial price. As consumer he was the last in that long line and, therefore, was compelled to pay the final price. Hides came back as shoes, wheat came back as flour, and wool came to him in the form of cloth and clothes. Then again the "hired man" gradually disappeared. The comparatively high wages for labor with shorter hours attracted him to the city. Not only did the "hired man" leave the farm, but sons and daughters of farmers as well were attracted to towns and cities principally on acccount of social and educational facilities to be found there. The migration became so general that economists and leading men viewed the growth of cities at the expense of the country with alarm. There is a general belief that the tendency of the teaching in the schools has been to wean the child from farm life, that even in the rural schools the child is educated in preparation for high schools and universities, and that the courses are constructed and textbooks written from the city man's point of view. These economic conditions in the rural districts of Ontario are, perhaps, the underlying cause of the dissatisfaction and unrest of the farmers which manifested themselves in the farmers' movement.

HISTORY OF THE FARMERS' MOVEMENT

The present United Farmers' movement may be said to have its origin in the grange movement which, on this continent, dates back to the year 1866. The astonishing growth of the Granges in the early 70's indicates the grievances (fancied or real) which at that time existed in the minds of the farmer. Unlike the present United Farmers' organization the Granges conscientiously refrained from participation in politics.

The Granges threw the whole weight of their organization into a fight against middlemen and consistently refused to enter the political arena. The tactics adopted were similar to the present tactics of the United Farmers of Ontario, viz., the formation of co-operative buying and selling organizations. Financial failure seems to have killed the spirit of the Grange's movement.

The Farmers' movement developed a temporary political organization separate and distinct from the Grange to fight railroads. A speculative spirit followed the Civil War. Emigration from Europe, together with the disbanding of armies, swelled the great tide seeking the western farm lands. A nation-wide cry for railroads led federal and state governments to make enormous land grants, and municipalities cash bonuses, to induce railroads to build. On account of the Prussian-Austrian and Franco-German wars, wheat brought splendid prices for a time. Later the tremendous increase in the supply of grain, together with the cessation of the wars, brought on financial panic. Wheat dropped in price 33 cents while transportation costs dropped only 9 cents. Grain in the west was then used as fuel while the people in the east went hungry.

THE PATRONS OF INDUSTRY

As a factor in public life the farmers' organization in Ontario subsided until the introduction of the Order of the Patrons of Industry into the County of Lambton, Ontario, from Michigan, about the year 1890. It was composed principally of farmers, but sought support from those whose interests were identical with farmers. The objects of the order were "to advance the moral, intellectual, social, political and financial conditions of the producing classes in the country, and to generally develop a higher character in those who perform a most important part in providing for the subsistence and advancing the prosperity of every nation."

The means by which they sought to attain their objects was by independent political action. Like former farmers' movements the organization grew rapidly. Companies were incorporated and the stock sold to the farmers. The most notable of these was "The Farmers' Binder Twine and Agricultural Implement Manufacturing Company of Brantford, Ontario." It was able to sell binder twine at that time at one-half the former price and then show a reasonable profit.

The third annual convention of the Ontario Patrons was held on February 27, 1894. Patronism was then acknowledged to be an important factor in Canadian politics, its membership in the Dominion being over 150,000. Their candidate in a by-election for the legislature in North Bruce had recently been elected. For the general elections in the province, which soon followed, 30 candidates were placed in the field and 16 of these elected. The principles on which Patron candidates entered the contest were as follows:

1. Election by popular vote of all county officers, except judges.
2. Abolition of Government House, Toronto.
3. Abolition of the system of the people's representatives receiving special favors from railway corporations in the form of free passes or other favors.
4. The taxing of mortgages, stocks and bonds at their actual value.
5. The repeal of all provincial statutes giving special class privileges.

Their experience in the Dominion elections in 1896 was very disheartening and practically meant what the financial losses in the co-operative ventures meant to the Grange. A national issue arose on the question of separate schools for the Province of Manitoba, which overshadowed the Patrons as a party in the minds of the electorate. The grand president of the order, in an article written in volume V of "Canada—An encyclopædia of the country," states that the grand secretary lent himself to the services of one of the political parties and for this purpose allowed to be published the private correspondence of the grand office: also, that the funds of the organization being locked in his hands were not available for the conduct of the campaign. In the provincial field the party was gradually absorbed by the two other parties and, in a few years, the movement dwindled down to a dormant state.

UNITED FARMERS OF ONTARIO

A few years after the Patrons of Industry era, the provincial government adopted the policy of employing and sending throughout the country men scientifically trained in agricultural pursuits. Farmers were taught new and up-to-date methods of farming. This stimulus to the mind was followed by the formation of local associations or societies by the farmers in many districts of rural Ontario called United Farmers' clubs. Members met, pondered and studied economic problems in relation to the farming industry. A more intelligent grasp of the economic situation was received by the farmer with the result that complaining gave way to organization. The number of United

Farmers' clubs grew rapidly. It is estimated that there are now about 1,600 clubs, with a membership of about 60,000, in the province. A central organization, called the United Farmers of Ontario, initiated and developed a co-operative business of selling goods to the farmers. The business grew from $33,000 turn-over per year to $9,000,000 last year. This year it is expected the turn-over will exceed $1,000,000 per month.

THE PROVINCIAL ELECTIONS OF 1919

It was originally deemed advisable by the United Farmers not to enter the political field but to attend party conventions in order to secure the nomination of candidates who would carry out their views. The loss in faith in politicians and party politics, together with the restlessness which has permeated all classes in post bellum days, was largely responsible for the decision to alter this policy. On October 24, 1919, a by-election was held in the constituency of Manitoulin. The United Farmers entered a candidate who was elected. At another by-election held February 18, 1919, a second candidate was elected. Eight months later general elections for the Ontario legislature were held. Four parties contested the 111 constituencies in the province. The Conservatives, then in control of the government, entered 100 candidates. The Liberal party, formerly the Opposition, entered 68 candidates. The Labor party had 23, and the United Farmers 71 candidates. In the 71 ridings which the Farmers contested they were successful in having 45 elected, although they were opposed by 117 candidates of other parties. Out of a total of 638,247 votes, they polled 273,999, or an average of a fraction over 3,859 votes as against other candidates average of 3,113. Their success is quite remarkable inasmuch as no large well-organized province-wide political organization backed with campaign funds was created to conduct the campaign. Their success seems to be attributable only to local public sentiment. It is apparent that they themselves did not even consider the probability of taking on the responsibilities of government since they entered the field without a recognized leader. The press and usual scores of political prophets predicted victory for either of the two traditional parties, the Conservatives or the Liberals. The result was a surprise to all factions. The standing was: United Farmers, 45 members; Liberals, 29; Conservatives, 25; Labor, 11; and Soldiers, 1 member. The whole political situation in Ontario was thrown into the melting pot. The party with the largest number of members elected was without a leader, largely without political experience and without a clear majority and on the latter account was, therefore, by itself unable to form a government. Nine days following the election Mr. Ernest C. Drury was unanimously chosen as leader at a caucus of the United Farmers members elect. Mr. Drury is reported to have made the following statement on accepting the position as leader: "I do not entertain any fears regarding the situation. It is true we may be lacking in experience but the situation is not one which calls for the fine arts of the politician. . . . Our success, therefore, depends not on political manouvering but on the breadth and fairness of our policy, and on our adherence to the high ideals of democracy and public service which have made this movement a vital thing in the life of the nation."

To obtain the necessary working majority for a government a coalition was formed with the Labor party. Instead, therefore, of a Farmers' government, Ontario has a Farmer-Labor administration. The early actions of the new government are described by the following extract from an editorial of the *Toronto Globe* of November 10, 1919: "Ontario's election produced a political revolution. In cabinet making the province seems to have entered upon a political millennium. Mr. Drury has permitted publication of a statement that not a single member of his following approached him, either directly or indirectly, with a request to be included in the new administration. What kind of politicians are these farmers anyway?"

THE SESSION

The new government entered on its first session on March 9 of this year and completed it on May 28. It was thus of somewhat longer duration than the usual session. The number of measures introduced reached the large total of 259.

In view of the fact that the reins of government were in the hands of men who had no previous parliamentary experience, the administration was surprisingly successful. The outstanding feature was the frank and open attitude adopted by the government and the attempt made to get away from political bickering or sparring for position. The *Toronto Daily Star*, in an editorial in its issue of May 14, reflected a very general opinion in the province with the statement: "The present legislature is the most democratic the province has ever had." The premier, Mr. E. C. Drury, has proven to be a first-class parliamentary leader. The Farmer and Labor members, as a party, represented their own classes of society. That a high conception of the responsibilities of government was entertained by Mr. Drury and his cabinet was proven by their early determination to refrain from class legislation. The Farmers' party made tentative plans to broaden its scope of activity and to get away from any fear of having the movement considered as sectional or devoted to a one-class interest. Mr. Drury is reported in the *Toronto Globe* on October 30, 1919, to have made the following statement: "May we not hope that before long this movement, which has had its birth in one particular class, may expand and broaden till it shall become not merely a Farmers' party, but in a very real sense a people's party."

Although the government's majority in the house is very slim, many crises were met successfully, the most notable of which was the fight on the civil servants' superannuation bill. The central organization of the U. F. O. opposed the measure strenuously, as being class legislation, although the bill was introduced by the Farmers' government. They wrote a circular letter to all the local clubs suggesting that they appeal to their representatives in the house against the bill. Only seven United Farmer members, however, voted against the measure and many voted in defiance of clubs in their ridings. At the time of the division the government had been assured of support from the opposition. The bill would, therefore, have carried and the government would have been saved even if practically every Farmer member had bolted.

LEGISLATION

Revenue: Various measures were enacted to increase the revenue of the province. The chief of these were

(a) increase on race track taxes to $7,500 for mile track and $2,500 for half-mile per day; (b) amendment of the corporation tax act, and (c) increase in succession duties.

Expenditures: The civil servants' superannuation and the mothers' pensions acts call for considerable additional expenditure. According to the provisions of the former a superannuation fund is created. Half of its total will be paid by the civil servants and the balance is supplied by the government. There are, however, 110 servants ready for immediate superannuation and for them the province must provide full superannuation.

The Labor wing of the government seems to have been responsible for several of the more aggressive policies laid down. In fact, the legislation affecting labor was of much larger volume than that dealing with the agricultural industry, although the Labor members in the house were but 11 as against the Farmers' 45. The mothers' pensions act was sponsored and introduced by the Labor wing. Although not the first of its kind in the dominion this legislation has been looked forward to for some years in Ontario.

The Labor wing was successful in procuring legislation in amendment of the workmen's compensation act. The maximum of compensation was increased from 55 per cent to 66⅔ per cent and full compensation to those earning $12 a week and less was provided. An act was passed setting a minimum wage. This act applies only to women other than domestics and farm laborers. The minimum wage is to be established through a board of five members with a personnel of three men and two women. The board will institute investigations for the purpose of ascertaining the conditions prevailing in any class of employment and the scale of wages paid.

Outside of an act to provide loans up to $3,000 for incorporated co-operative societies for the storage and cleaning of seed grain and potatoes and legislation setting forth a comprehensive program of good roads, there was remarkably little legislation of direct interest to the agricultural industry.

In regard to education, decentralization was foreshadowed with larger financial aid and more freedom to local school boards and boards of education.

An ambitious program of work before the next session of the house has been outlined. Special committees will enquire into the whole administration of the Ontario temperance act, proportional representation and the more equitable distribution of hydro-electric power through the province will be considered. At the time of writing, a storm of indignation by the press and many local municipalities has been aroused by the announcement of the cabinet that proceedings of the hydro-electric power commission shall cease in connection with purchase and construction of radial railway lines until a special commission reports as to the probability of the projected railways having earnings sufficient to make them self-supporting and other matters affecting the radial situation.

Whether the United Farmers will survive their political experiences it is difficult to predict. Former farmers' organizations did not survive less difficult situations. In regard to legislation they are on the horns of a dilemma. If they enforce class legislation they will consolidate a strong opposition from urban districts; on the other hand if they do not legislate for their class they will alienate the radical element in the farmers' group.

Again, there is the possibility of a national issue arising which will overshadow and cause a cleavage in the party. This happened with the Patrons of Industry in the dominion elections of 1896. The issue at that juncture was the separate school question.

The responsibilities of governing the province, it is generally conceded, has had a stabilizing influence. It is probable that the radicalism which characterizes class movements will disappear with the increase of responsibilities. Even now, serious thought is being given to the broadening of the scope of the party to take in urban districts and it would seem that a new political party has been born.

THE WEAKNESS OF COMMISSION GOVERNMENT

BY CHARLES M. FASSETT

Ex-Mayor of Spokane

As foreseen in 1914 by our committee on commission government certain imperfections have developed which are remedied in the commission manager form. They are here discussed from the standpoint of actual experience by one who has served several terms as a commissioner.[1] :: :: :: :: :: :: :: ::

Late in 1910 the commission form charter, which had been prepared by a freeholders' commission of fifteen, was approved by the voters of Spokane, and the five commissioners who had been elected early in 1911 took office on March 14 of that year. Previous to 1911 there had been the usual city government of that day: a mayor and ten councilmen, two elected from each of five wards, and a board of public works consisting of three citizens appointed by the mayor and having charge under him, more or less directed by committees of the council, of the various activities of the city.

A few high-class men had in the past been elected to the city council and an occasional one appointed on the board of public works, but as a rule the character of the latter body had not been high and frequently men of very mediocre ability and questionable motives had dominated its procedure. Petty partizan politics was an everyday feature of the government. There was no civil service law excepting in the police and fire departments, and the appointment of the chiefs of these departments and of heads of, and important positions in, the various other departments was the reward of party or personal fealty to the crowd then in power. Spokane politically was not much better nor much worse than the government of the bulk of American cities, called by Lord Bryce "the conspicuous failure" of our political life.

A small group of earnest men took up the study of the then new commission form, got what information was available from cities where it had been put into use and, having determined upon establishing it in Spokane, used every means available to give it publicity. When the new charter was ready for submission to the voters opposition developed from three principal sources: first, the saloon-keepers, gamblers and those who practiced or made profit from the various forms of vice common in cities; secondly, the politicians, particularly those forming the government then in power, their hangers-on, heelers and beneficiaries, and thirdly, a considerable number of the active business men of the community, too busy to study the new proposal for themselves, fearful of a change that might hurt business, and easily frightened into opposition at any movement for a "new-fangled" scheme of government. A manifesto was issued over the signatures of over two hundred of them, saying that the proposed new government would be expensive, ineffective, dangerous and altogether impossible.

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[1] For report of committee on the commission form of government see National Municipal Review, vol. iii, p. 44, January, 1914.

The new charter, in spite of this opposition, was adopted, but by a rather light majority. It followed closely the charter of Des Moines, Iowa, providing for five commissioners, constituting the city council and each in charge of one of the five departments into which the administrative work of the city was divided. The council chose one of its members as mayor and itself determined which of its members should head each department. The mayor was president of the council and titular head of the city, but otherwise his power was no greater than that of any other commissioner. The salary of the commissioners was $5,000, their term was four years, and they were required to give their whole time to the city's work. The preferential system of voting was used. The schools, parks and public libraries of Spokane are administered by non-salaried separate boards, the former under state law.

THE COMMISSION FORM AN IMPROVEMENT

At the first election of commissioners there were ninety-two candidates, five to be elected. It was a heterogeneous list, including nearly every one officially connected with the old régime, plenty others of like type and capacity, many incompetents attracted by the salary, but with a fair sprinkling of high-class men, awakened to a new sense of public duty. Three of these latter were elected, together with one of the best of the former city officials and a fifth man who was then at the head of organized labor, editor of the local labor newspaper, and was a man of force and intelligence. Every member of that council was thoroughly honest and determined to give Spokane the best government in its history. This spirit, coupled with the better and more responsive machinery provided by the new charter, accomplished a very marked improvement in civic affairs and when, a year or more later, the forces of evil, which had been greatly restrained, tried to overthrow the new government and go back to the old system, the people sustained it by a considerably better majority than that by which the new charter had been adopted.

No one is likely to question, in the light of the experience of over four hundred cities and towns in the United States, the great improvement brought about by the introduction of the commission form of government. If its only accomplishment had been the abolition of partizan politics in city life it would have been a very great step in advance. Its chief accomplishment, in my opinion, has been the definite fixing of responsibility for the conduct of the various branches of the city's business and the bringing of the government more closely into touch with the people. The Spokane commissioners meet in administrative session at a fixed hour on every business day and the citizen knows and appreciates that he may then bring to their attention any city matter in which he is interested.

But fixing responsibility upon a weak man does not make him a strong man, and if it results in turning him out of office at the end of his term, or recalling him before his term expires, it does not insure a higher efficiency or intelligence in his successor. Under the commission form the voters should elect the best men available for the job and keep close watch upon the man in charge of each department, rewarding him by re-election if honest and competent and punishing him by defeat or recall if he proves a failure.

ADMINISTRATION BY AMATEURS

This is the theory, but it is not the practice. Men are usually elected because they are good vote-getters. Popular men, men who are good "mixers," men who have good standing in church, lodge or union, men who know how to dodge, trim and sidestep, men who are politically wise and who are willing to make intensive personal campaigns—all these classes stand a better chance of election than the straight-forward, the honest, the successful, the competent, who are not adepts at the political game. Those who are successful in their own business cannot afford, except through a sense of public duty, to run for office, and will not do the things which ordinarily must be done to be elected.

Every city has plenty of desirable men who, particularly when the community has been aroused by some glaring failure in its government, are willing, frequently at great personal sacrifice, to serve it as public officials, but they are unable and unwilling to contend for the positions with those who are less qualified, but who "know the game." And when once installed in office, they are less likely to be retained. It is my theory that a man who is honest, competent and fearless in the conduct of a public office is, while making some friends who understand his value, continually building up an army of discontent and dissatisfaction which will surely swamp him. In the course of his work he must deal justly with those who do not want justice; he must deny those who desire, and have been accustomed to, special privilege, and he must disappoint those who expect more of government than it is able to accomplish.

And it is a notable fact that citizens will usually vote their animosities and prejudices rather than their approvals and commendations. As in presidential elections party leaders prefer a candidate who is not well enough known to the people to have created strong sentiment regarding himself, so in municipal contests the nonentity with a pleasant smile, an engaging manner and a hearty handshake, of whose capacity for the job, or the lack of it, little is known, has a decided advantage. What the voters do not know about a candidate does not hurt his chances of election.

Elected city officials are all amateurs and they know that after a term or two in public office they will be dismissed if not discredited, and will be obliged to hunt up another job, or to pick up the tangled threads of their own business which they dropped to accept the public place. Under commission government we have expected to elect experts, for the conduct of the various activities of the government is an expert job. It is our collective business and, as such, is more important that any citizen's individual business.

Your mayor or one of your commissioners, receiving four or five thousand dollars a year salary and perhaps worth it, is expected to carry on negotiations for a new franchise for the electric light and power company with its president, who has been trained and has spent his life in the business and who receives and earns a salary of $20,000 a year. It is an intensely technical game and the loser may involve his employer, the public, in complications and losses which will endure for a generation.

Amateurs are not fitted for such work and this is one of the failures of commission form government. We have notoriously failed to elect experts as public officials, even in the rare cases where experts were available. Yet we must elect the officials who represent the people in fixing our governmental policies. Any other course would be a subversion of the democratic ideal upon which our government is founded. But we must cease to attempt to elect experts in the great business of administrative government. Yet we must find trained men, appoint them and pay them adequate compensation.

POLITICAL AND ADMINISTRATIVE FUNCTIONS COMBINED

An argument used in favor of commission form government at its inception was that it would be a decided advantage to have the active heads of departments sit as a city council to pass the ordinances; that the men who did the city's work would be best qualified to make the city's laws. This is no more nearly correct than the obverse—that the men who make the laws are best fitted to do the work.

It is probably true that five heads of departments would do better as a legislative body than the old style city council, but serious objections have developed to giving both legislative and executive functions to the same men. Their first legislative act is to organize after each election and distribute among themselves the various departments of the city's administrative functions. Say that two or three want to be mayor, or that all wish to escape the police department, or that strong rivalry exists for the control of the water department. A combination of three members decides, and incidentally develops hard feeling from the start.

This is obviated by the custom in some comission cities of electing men for the specific departments, but it has been my observation that in such circumstances the hard feelings, while not generated so early, continue longer. Instead of being dependent upon his associates for his assignment, the commissioner of public works feels his independence and is quite likely to frequently assert it in the council meetings. The result is a continuous wrangle.

Appropriating money for specific use is a legislative function. One commissioner has been allowed an appropriation for an auto truck and proposes to buy it from a certain dealer who has helped him at election time. Other commissioners know that this particular truck is a poorly built vehicle and unfit for the purpose for which it is intended, but, aware that a like occasion may arise in their own departments, they are not likely to interfere with the purchase, and the city suffers. Dependent upon each other for the administrative positions they hold, accustomed to the work in their departments and not desiring to be transferred, they are likely to act favorably upon the recommendation of one of their associates, even though they know it is against the city's interest. The location of a bridge and raising the money for it are legislative acts; building the bridge is an expert job which cannot be safely intrusted to the elected department head, who can and should represent his constituents in locating and financing it.

In Spokane, and I believe in many other commission cities, there has been a gradual but decided deterioration in the quality of the government following every election since the first. Candidates are fewer in number, and men of proven competence are conspicuously absent from the lists. Men who are successful in their own business have been replaced by graduates from the bankruptcy courts. In the commission which started the year 1920 there were four members who had held city or county office under the old régime. Men who have served the city at a personal sacrifice have been replaced by others who never in their lives have earned as much as the salaries they are now receiving.

The first commission did much real constructive work. It eliminated many dangerous railway grade crossings, broke the contractors' ring by daring to do city work by day labor, funded the floating indebtedness at lower interest rates, reduced the tax rates, secured better terms from privately owned public utilities, and generally improved physical and moral conditions in the city. A standard was set which has held weaker councils up to a higher mark of service, but initiative, resourcefulness and vision, these and the other qualities of leadership have been replaced largely by the unproductive impulse to "get by" and to "hang on."

The struggle seems to have narrowed down to an effort to avoid criticism, for which the excellent recipe given by Elbert Hubbard is to "say nothing, do nothing, be nothing." Credit has been sought for "cutting down expense" by dismissing a useful and valuable employe, whose service to the city was worth many times his salary. With this feeling at the top the spirit of inaction goes down to the bottom of every department. Every city has some faithful and efficient employes but, when these find that their chiefs are always trimming and will not support them when they take an honest and firm position, they soon lose heart and begin to contribute to the general decay.

CONCLUSION

I am an optimist. I know that great progress has been made in municipal government in the past twenty years and that there is strong hope for the future. But the way to bring about the fruition of that hope is to look our present deficiencies squarely in the face and plan our remedy only after careful study of the symptoms.

Commission form is admittedly an improvement over the old system; it has demonstrated that a charter is a vital force for better government even in the hands of the same old personnel. Like all human productions every charter has its weak spots, but the old fallacy that government is entirely dependent upon good men in office has gone into the discard and we know now that we want not only the best men we can find in our public offices, but we want the best tools we can invent for them to work with.

The greatest hindrance to good government is the negligence of, and indifference to, the duties of citizenship on the part of the individual voter; it may be that we can correct this evil, to some extent at least, by the introduction of a system of voting which will make his ballot more effective. Our failure to elect competent men for executive officials suggests the separation of legislative and executive functions, electing for the former and appointing for the latter, making the duties of the legislator so light that strong and public-spirited men can undertake them without abandoning their private business, and requiring trained men for our administrative officials. Expert city executives, trained and experienced men, brought from any section of the country and paid a proper salary, will soon be as common in our cities as are now expert superintendents of schools or expert managers of private business undertakings.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

The Labor Market. By Don D. Lescohier. New York: The Macmillan Company, 1919. Pp. 338.

In this volume we have an excellent exposition of the problem of employment as it presents itself in the United States at the present time, together with an illuminating discussion of the various efforts that have been made toward a solution.

The author begins with an analysis of the supply and demand factors in the labor market. The supply of labor does not readily adjust itself to the demand for it, as does the supply of commodities, for labor cannot be separated from the personality of the worker and only a decrease or an increase in population can decrease or increase the supply of labor. As a matter of fact, we constantly have in our midst several millions of unemployed workers who, in the language of the author, form a "labor reserve." This reserve, however, is not concentrated, but is decentralized into a multitude of local labor reserves. In the absence of an adequate system of labor distribution these reserves of surplus labor have continued side by side with actual labor shortages.

Not only is the supply of labor relatively unchanging, but the demand for it is extremely irregular. It is affected by the rise and decline of industries and occupations, by changes within industries, by changes in industrial prosperity, by seasons, and by numerous other factors. It is made up, moreover, "of millions of specific, individual demands for specific types and qualities of labor to work in specified establishments for more or less definite periods of time." In other words, the demand for labor also is decentralized. According to the author, "One of the most important problems which confronts our nation is the creation of means for feeding a decentralized demand for labor into a centralized organization able to locate the individual workman suited to each individual demand, and bring the two together with the least disturbance to industry and to the home life of the worker. It is not a problem of massing orders and mobilizing men so often as it is a problem of discriminating selection of the man who meets an employer's need and the employer who meets a man's need."

As counterpart of this condition of unsteady employment, we have a high labor turnover, an aggravation of the problem of poverty, increased necessity for relief, and a reduction of the efficiency of the workers.

Among the means of mitigating occupational idleness the author mentions stabilization of production, dovetailing of establishment demands, continuation schools for minors, the training of adults to increase their usefulness, and the construction of public works to afford employment during periods of depression.

The most important single approach to the problem, however, lies in a revision of the machinery of the labor market. Before the world war we had no machinery of labor placement that could be termed a system. We had private, fee-charging agencies; employers' and trade union employment offices; philanthropic or semi-philanthropic offices; and a considerable number of state and municipal employment offices; but none of these was adequate to the task and all of them worked in competition with each other, doing as much harm as good. After our entrance into the world war, the threatened shortage of labor acted as a spur to the creation of the United States Employment Service by the Department of Labor. This is the first and the only attempt that has been made thus far to establish an adequate federal employment service in the United States. Our experience with this system, however, was very brief and the conditions under which it was compelled to operate were so abnormal that it is difficult to draw conclusions as to the feasibility of a national employment system from the results achieved. Nevertheless, despite all of the handicaps that militated against its success, the federal employment service rendered many benefits to the nation.

After drawing lessons from the British and Canadian employment systems, the author proceeds to outline his own idea of the kind of federal employment service needed by the

United States. He believes in a national system, but he does not favor a purely federal service. In his opinion the "employment problem is and should be in the first instance a local problem." He favors a system under which the federal, state and local governments co-operate, each bearing part of the expense. The direct management of the employment exchanges would be entrusted to the state and local officials, but the federal government would be able to enforce standards of efficiency by means of a federal subsidy plan under which aid would be withheld whenever the local management fails to maintain these standards. The organization and methods of administering such a system are outlined in detail.

In a chapter devoted to "the employment department" emphasis is given to the importance of intelligent employment administration within industry itself. "The nation can provide employment exchanges to bring the worker to the factory door; but the employer has to introduce him to the inner life of the establishment, locate him in his specific tasks, and fit him into the plant's productive organization."

In closing, the author endorses unemployment insurance as a necessary measure to supplement the work of employment exchanges and the other efforts to reduce unemployment.

William C. Beyer.[1]

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The Budget and Responsible Government. By Frederick A. Cleveland and Arthur Eugene Buck. Introduction by William Howard Taft. New York: The Macmillan Company, 1920. Pp. 406.

This book, in which Dr. Cleveland is apparently responsible for the development of budget philosophy, and Mr. Buck for the facts of current practice, is the best book on American budget procedure yet written, in fact the only discussion that approaches completeness.

The evident purpose of the authors has been to state the importance of responsible government, indicate the underlying relationship of sound budget procedure to such responsibility, and then to discuss the steps that have been taken by the several states and the national government in this direction.

The early chapters are a philosophic discussion of popular control of government, concluding with a statement of Jefferson's four principles of stable, effective, democratic government: (1) the principle of popular elections; (2) acceptance of the principle of majority rule; (3) responsible leadership; and (4) the right of the leaders to appeal to the people from the decisions of the representative body. While the first two principles are reasonably well established in American procedure, the last two have no present place in it.

The elimination of irresponsible "boss" and committee government, and the substitution of the leadership of elected executives (Jefferson's third principle), Dr. Cleveland believes can be brought about by making these executives alone responsible for the formulation of the fiscal work program of the government, and accountable for the proper execution of this program, through audit by the representative body.

At this point Mr. Buck supplements Dr. Cleveland's theory with an excellent discussion of the efforts and the progress of the several states in developing executive responsibility through the budget, weighing the merits of the executive, commission, and legislative types of procedure. This discussion is followed by a critical review of the present national procedure, and of the proposals now before congress for its reform.

The Good bill, Dr. Cleveland believes deliberately designed to be executive in form but legislative in character, thereby evading the executive responsibility to be desired. Upon this point all authorities are not agreed, and Mr. Taft in his foreword expresses a preference for the Good bill. The authors believe the Frear bill to be the most desirable, but are not adverse to the McCormic proposal.

An essential part of Dr. Cleveland's proposals for securing responsible government through the budget involves the representation of the cabinet in the legislative body, where the program of these officers may be publicly but not privately challenged. There seems to be an implication that these estimates are not to be increased except under unusual circumstances, and the authors make no comment on the fourth of Jefferson's points, an executive appeal to the people in event the work program is seriously modified or destroyed by the legislative body.

However, Mr. Taft in his foreword briefly comments on the questions involved in the legislative amendment to the executives program, and on an executive appeal to the people, by saying that in the early development of the budget it never occurred to the legislature to increase the demands of an independent executive. Mr. Taft continues by saying that in the full development of the English budget procedure in America, particularly in its feature of executive appeal to the people, we are embarrassed by the constitutional differences between the British governmental system and our own.

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[1] Assistant director of the Bureau of Municipal Research of Philadelphia.

In summary then, one concludes that Dr. Cleveland argues for the preparation of a work program by the executive, for the right of the executive to appear and defend this program before the legislative body, for some limitation on the right of the legislative body to amend this program, and finally for an appeal to the people by the executive in event the program is seriously mutilated, although this last point is not emphasized.

On the point of executive preparation of the budget, Dr. Cleveland is in agreement with substantially all of those familiar with budget procedure. On the subject of restricting legislative amendments he has decidedly less support. The proposition of executive appeal is yet too remote to have warranted serious discussion or side taking. Certainly in these last two respects British budget procedure cannot be adopted in its entirety in America, with British results. In some respects the British budget system appears to provide a legislative budget, and not executive at all, and the American adoptation would surely be executive.

Lent D. Upson.[1]

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Social Theory. By G. D. H. Cole. New York: Frederick A. Stokes Company, 1920. Pp. 209.

"Theory," says Mr. Cole, "ought to get ahead of actual development, giving men the power to grasp the principles which must make the future." The principle he enunciates in this book and the theory he logically builds about it is, in a word, that of "democratic functional organization and democratic representation according to function." An individual, he contends, is universal in interests and purposes. An association or organization is particular. One may represent an association, but he cannot represent an individual in his varied interests and purposes. "To ask me to choose a man to represent me in relation to everything is to insult my intelligence, and to offer me every inducement to choose someone so colorless that he is unlikely to do anything at all. This is how parliamentary elections usually work out at the present time." Thus he would have a governmental representative for each of the main groups of social purposes which are his. Instead of "one man one vote, we must say one man as many votes as he has interests but only one vote in relation to each interest."

The representative thus will stand for the interests and purposes and be under the direction of the association electing him. He will neither act on his own unadvised judgment, nor yet will he be shorn of personal initiative, but after consulting and advising with the permanent body which he represents.

Each law, church, medical and labor union association now exercises a coercion upon its individual members. There is no supreme association with sole power of coercion and co-ordination. The state, he contends, as now organized is far from sovereign. There is need of such a body. It would not necessarily be legislative or administrative, but rather in the nature of "a constitutional judiciary or democratic supreme court of functional equity," representing all essential functional associations. Purely political matters would be dealt with by the state, industrial and professional by the vocational associations, church questions by ecclesiastical authorities, but in cases where a question affected more than one form of association it would be referred to this supreme court. "It involves that the judiciary and the whole paraphernalia of law and police must be under the control of this co-ordinating body" (p. 137). Matters of such national importance as declaring war, using the army, navy or air forces, being represented in a league of nations, making treaties and covenants affecting society as a whole, can properly be left only in the hands of this body, as it alone is composed of representatives of all "functional associations."

Mr. Cole, as the mouthpiece of the guild Socialists of Britain, sees economic equality as the prerequisite of effective social reorganization. "Conflicts of capital and labor," he says, "are fatal to the due functioning of each." Virtual economic equality alone can subordinate such conflicts or cause them to disappear. It is "useless to expect society to function aright either economically or in any other sphere without economic equality." The struggle of economic classes he thinks would disappear with the establishment of a unified functional control of industries by those engaged in them.

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[1] Detroit Bureau of Governmental Research.

As one might expect, he gives the theory also an international application. He would have in the central co-ordinating body of the League of Nations representatives of all international societies, industrial, medical, socialist and what not. On them would rest the responsibility of carrying out the will of the league in all nations.

The faults of the book are its virtues carried to an extreme. Its ultra-seriousness throughout is striking. It gives one the picture of a set-jawed iconoclast whose eye has been so long fixed on the shortcomings of society that he feels the only hope is in its essential reorganization. In defining community, customs, associations, institutions, and other generally used terms, they are given a pedantic and sometimes arbitrary meaning. "By an association I mean any group of persons pursuing a common purpose or system or aggregation of purposes by a course of co-operative action extending beyond a single act, and for this purpose agreeing together on certain methods of procedure and laying down in however rudimentary a form rules for common action."

Another weakness of the book lies in its local character. "It is a statement of the essential principles of social organization in communities like our own. It may be there are peoples so different from our own that the generalizations will not apply to them." He would "hesitate to apply them even to Russia," much less the civilizations of the east.

As a leader in an important movement among the British wage earners, the author's primary concern is to "sell" this idea to the English speaking public.

Mr. Cole is a man of convictions. Sometimes they engender in him a scalping mood. He gives fair warning when the mood will come upon him. "As soon as I begin to deal with the actual function of any particular association there will certainly be wigs on the green." Sometimes the conviction manifests itself more moderately. "Mr. Calvin of the *Morning Post* regards one kind of social life as finally desirable and I another. . . . I believe most firmly that I am right and he is wrong."

The author's treatment has a place in the field of political theory and should be of especial interest to American advocates of proportional representation. C. W. Coulter.[1]

A Community Civics. By Edwin W. Adams. New York: Scribners, 1920. Pp. vi, 385.

The book contains no statement of its specific purpose. Examination of it, however, seems to warrant the conclusion that it has been written as a text-book for the upper elementary and lower high school grades. The following comments upon the book are based upon this assumption.

Community civics has only recently been given a place in the course of study of our schools. The co-incidence of many influences, educational, social and political, account for the astonishingly rapid adoption of this line of work. The demand for good text-books has outstripped the supply. The difficulty of preparing a suitable text-book is undoubtedly a great deterrent. The adjustments to the age of the pupil, to the locality in which the book is to be used, to the civic point of view and to educational methodology are criteria which may well suggest the question whether a satisfactory general text-book can be written. The author seems to have undertaken this purpose. Previous efforts along this line comprise most notably Dunn's "The Community and the Citizen" and Hughes' "Community Civics." Mr. Adams' book is the most recent addition to the list and its value in the evolution of elementary civics text-books will receive proper assessment in actual classroom use.

The book consists of twenty-two chapters. Four preliminary chapters describe the community and the place of the individual in the community. Eleven chapters are devoted to municipal functions, health, education, recreation, etc. One chapter each discusses wealth, its production and use, executive, legislative and judicial action, public finance, party government and citizenship. Appendices contain the Declaration of Independence and the Constitution of the United States.

The general plan and scope of the book seems to be taken almost *in toto* from the "Syllabus in the Government of New York City, with State and Federal Relations," the official syllabus in community civics in New York City. In fact, the whole organization and treatment suggest a very liberal use of the syllabus. However, no acknowledgment of the indebtedness to the authors is made.

The treatment of the material consists in a general description of civic functions and general illustrations. There is an almost total absence of actual concrete application. The interest of the pupil will, therefore, probably be under constant strain and the burden of successful class-room work will be thrown upon the teacher. Illustrations of this pedagogical fault will be found in most of the chapters.

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[1] Western Reserve University.

The compass of the book is such that it can be accommodated to the time allowance of the subject in most schools.

The book contains little for the young citizens of the smaller cities and towns. It describes the life of the large city, and the illustrations in the main are taken from the large city. Yet depth of insight into the life of the city is not especially manifest.

For application of the text to a particular community dependence is placed upon the "Suggestions for Further Study," which accompany each chapter. These suggestions are abundant, thoughtful and stimulating to teacher and pupil.

In style the language is simple. Expression is clear in the main, but frequently loose and indefinite. Much that is obvious could be omitted from the text. The illustrations too are good, but could be increased in number to advantage. On the whole, the writer feels that the book does not establish any clear advance over its predecessors.

The accuracy of some statements is questioned by the writer.

Alfred C. Bryan.[1]

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Co-operation and Other Organized Methods of Marketing California Horticultural Products. Studies in the *Social Sciences, University of Illinois*, vol. viii, No. 1, 1919. Pp. 142.

A great deal has been said and volumes have been written advocating the principles of co-operation for economic benefit in the United States. The principle has been recommended for producers and consumers alike. So far, little progress has been made except in isolated cases. While there is a general assent to the desirability and possibility, concrete examples of successful co-operation are needed by the great majority in order to induce people to act upon the principle.

The most outstanding, successful examples of co-operation in the United States are the co-operative marketing associations of the horticulturists of California, and one of the best descriptions of the work of the Californians is a book entitled, "Co-operative and Other Organized Methods of Marketing California Horticultural Products," written by John William Lloyd, Ph.D., of the University of Illinois. Doctor Lloyd spent two years in California studying the principles and methods used by the different marketing associations. His work gives, in interesting detail, the development of co-operation and shows how horticultural producers were saved from financial loss and final extinction, by adopting co-operation in place of the old-time, individual dependence upon an outside party to find a market for their products. He shows clearly what the organizations have done towards: first, reducing cost of marketing; second, improving the distribution of produce; third, increasing the demand for produce; fourth, standardizing the produce; fifth, protecting the individual grower.

These aims are desirable and applicable in the production and sale of every kind of produce. The fact that California producers, situated as they are at the extreme distance from the largest consuming centers, have succeeded through co-operative enterprises in maintaining and increasing their business, as well as conducting it at a profit, should be conclusive proof in favor of the general adoption of co-operative methods. We would recommend a wide reading of Dr. Lloyd's book in every locality where any kind of products are grown for sale on the general market.

R. P. Kester.[2]

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The Movement for the Reorganization of State Administration. By Charles Grove Haines, Government Research Series No. 17. University of Texas. 1920. Pp. 80.

This pamphlet was issued early in 1920 as a publication of the Bureau of Government Research of the University of Texas. It contains very little matter that is new, or that has not already been stated in similar form. A large part of its material is a re-statement of the facts contained in a supplement to the National Municipal Review of November, 1919, entitled "Administrative Consolidation in State Governments," and in the Report of the New York State Reconstruction Commission on Retrenchment and Reorganization in the State Government, published in October, 1919. Hence, the main reason for the publication of a pamphlet, such as this one prepared by Professor Haines, is found in its direct application to the state of Texas. It is to be regretted, therefore, that Professor Haines did not see fit to devote more than seven out of the eighty pages contained in the pamphlet to a discussion of the problem of administrative reorganization in his own state, the administration of which, judging from the few facts that he gives us, needs to be reorganized and consolidated. To be of maximum value this pamphlet should be followed by another one setting forth a scheme of administrative consolidation for Texas. A. E. B.

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[1] High School of Commerce of The City of New York.

[2] Editor, *Pennsylvania Farmer.*

II. BOOKS RECEIVED

ALBANY: THE CRISIS IN GOVERNMENT. By Louis Waldman. New York: Boni and Liveright, 1920. Pp. 233.

AMERICA AND THE NEW ERA. By Elisha M. Friedman. New York: E. P. Dutton and Company, 1920. Pp. 494.

THE AMERICAN RED CROSS IN THE GREAT WAR. By Henry P. Davison. New York: The Macmillan Company, 1920. Pp. 292.

THE AMERICAN YEAR BOOK. A Record of Progress for 1919. New York: D. Appleton and Company, 1920. Pp. 873.

THE BUDGET AND RESPONSIBLE GOVERNMENT. By Frederick A. Cleveland and Arthur Eugene Buck. New York: The Macmillan Company, 1920. Pp. 406.

A COMMUNITY CIVICS. By Edwin W. Adams. New York: Charles Scribner's Sons, 1920. Pp. 377.

THE CONSTITUTION AND WHAT IT MEANS TODAY. By Edward S. Corwin. Princeton, New Jersey: Princeton University Press, 1920. Pp. 114.

CONSTITUTIONAL CONVENTION BULLETINS. Legislative Reference Bureau. Springfield, Illinois, 1920. Pp. 1187.

THE ELEMENTS OF MARKETING. By Paul T. Cherington. New York: The Macmillan Company, 1920. Pp. 238.

EVOLUTION OF THE BUDGET IN MASSACHUSETTS. By Luther H. Gulick. New York: The Macmillan Company, 1920. Pp. 237.

THE GHOST IN THE WHITE HOUSE. By Gerald Stanley Lee. New York: E. P. Dutton and Company, 1920. Pp. 310.

HISTORY OF JOURNALISM. By George Henry Payne. New York: D. Appleton and Company, 1920. Pp. 427.

THE INFLUENCE OF OVERSEA EXPANSION ON ENGLAND TO 1700. By James Gillespie. New York: Columbia University, 1920. Pp. 367.

OCCASIONAL PAPERS AND ADDRESSES OF AN AMERICAN LAWYER. By Henry W. Taft. New York: The Macmillan Company, 1920. Pp. 331.

OUR ECONOMIC AND OTHER PROBLEMS. By Otto H. Kahn. New York: George H. Doran and Company, 1920. Pp. 420.

PARLIAMENT AND REVOLUTION. By J. Ramsay Macdonald. New York: Thomas Seltzer, 1920. Pp. 180.

PRISON METHODS IN NEW YORK STATE. By Philip Klein. New York: Columbia University, 1920. Pp. 420.

REAL DEMOCRACY IN OPERATION. By Felix Bonjour. New York: Frederick A. Stokes Company, 1920. Pp. 213.

SERVICE AT COST PLANS. By Harlow C. Clark. New York: American Electric Railway Association, 1920. Pp. 315.

SOCIAL THEORY. By G. D. H. Cole. New York: Frederick A. Stokes Company, 1920. Pp. 209.

THE UNFINISHED PROGRAMME OF DEMOCRACY. By Richard Roberts. New York: B. W. Huebsch, Inc., 1920. Pp. 326.

WHAT HAPPENED TO EUROPE. By Frank A. Vanderlip. New York: The Macmillan Company, 1920. Pp. 188.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Service-at-Cost Franchise for Rochester, New York.—The long controversy over street car fares and service in Rochester, New York, has recently been ended by the adoption of a service-at-cost agreement between the city and the New York state railways providing for an initial fare of seven cents. Under the existing franchise, the railway company was permitted to charge only five cents in the city of Rochester, and the court of appeals in the Quimby case decided that this rate of fare was a valid provision of the contract, which could not be set aside by the public service commission without the consent of the city. On the other hand, the franchise gave the city no power to require a more frequent service than a fifteen-minute headway, and the public service commission refused to order the company to give adequate service on the ground that the existing rate of fare would not permit it.

The city finally decided to compromise upon a service-at-cost plan as the only way to obtain adequate service; a contract agreed upon by the company was approved by the common council on July 14, 1920, to take effect on August 1; and Charles R. Barnes, the electrical expert of the public service commission of the second district, was appointed by the mayor as the first commissioner of railways.

The agreement affects only the lines inside the city, and will require the segregation of receipts and expenses, so that it will be possible to see for the first time whether the city lines are carrying the outside lines or not.

The existing franchise has not been abrogated, but has merely been modified as to the rate of fare for the ten-year period of the new agreement. The control of the rate of fare was the only club which the city held over the head of the company, and was regarded as of too much value to be given up permanently.

The term of the agreement was fixed at ten years, rather than for a longer period, on the ground that conditions might change, and that too long a period might prove undesirable to either the city or the company, as had proved to be the case with the present franchise. An indeterminate period was rejected as not giving sufficient security or protection to either party. The city has the right to extend the agreement for a second ten years, upon giving the company a year's notice.

The carrying out of the agreement is placed in the hands of a commissioner of railways, appointed by the mayor, subject to the approval of the common council, who becomes an employe of the railway company, and is paid by them a salary of $12,000 a year. It was thought better to have the commissioner act as an employe of the company rather than of the city, in order that he might not be a political tool at the beck and call of the mayor or the common council, and also to avoid his being subject to regulation by the local or state civil service commissions.

The commissioner acts practically as a receiver of the company, having power to direct the making of extensions, betterments, and improvements; the making of repairs, renewals, and replacements; the purchase of cars and parts and all other equipment; the purchase of real estate; and the abandonment and replacement of equipment of every kind. He directs the routing of cars, fixes stopping places, determines schedules, headways, speed, and method of operation. The company is protected against extravagance on the part of the commissioner by the provision that no service shall be required which shall impair the rate of return, and no expenditures or changes made which will seriously impair the property of the company, arbitration being provided for in case of any disagreement.

The commissioner has access to all books and accounts of the company; all contracts for the purchase of equipment, materials, and supplies and for all work of repair and construction must be approved by him; and he may require the company to refund any money spent without his consent where the amount appears excessive.

As an immediate basis for fixing the rate of fare, a tentative valuation of $17,500,000 has been agreed upon, to be supplanted as soon as possible by an accurate valuation made by three appraisers, who shall determine the fair value under the established rules and principles used in determining public utility valuations for the purpose of fixing rates. Starting with a seven-cent fare, the company is entitled to a 6 per cent return on the base value, the return being increased a half per cent for each cent reduction in fare below seven cents, being 6½ per cent with a six-cent fare, 7 per cent with a five-cent fare, 7½ per cent with four cents, and 8 per cent with three cents. The rate of return is not reduced if the fare goes above seven cents, but remains at 6 per cent, this rate being regarded as the lowest defendable in the courts and also the lowest which will enable the company to finance improvements by selling securities.

Three funds are created under the agreement: first, a general fund, comprised of all the revenue, out of which operating expenses, valuation expenses, the expense of the commissioner, taxes, and the return to the company are to be paid. Second, a renewal and depreciation fund, obtained by setting aside each year 2 per cent of the base value, out of which fund all renewals and replacements are to be made, the fund never to exceed $600,000 and at the termination of the agreement to be 2 per cent of the base value and no more. The third fund is the balancing fund, starting at $300,000, into which all surplus from the general fund is to be paid. Whenever the balancing fund exceeds $500,000 at the first of any month, the next lower rate of fare is to be automatically adopted one month later. If the balancing fund falls below $200,000 at any time, the next higher rate of fare is automatically installed, advancing until the balancing fund exceeds $300,000, but any rate of fare shall remain in effect for a period of not less than three months before being changed.

The commissioner may require extensions and improvements, but after the fifth year of the agreement, the total expenditure required shall not be more than $400,000 in any one year, diminishing each year thereafter up to the end of the agreement, the aim being to protect the company against unnecessarily high capital expenditures at the end of the contract period.

James W. Routh.[1]

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Indiana Legislature Revises Tax Laws at Special Session.—At the regular session of the Indiana general assembly of 1919 a comprehensive tax law was enacted which provided, among other things, that all property should be assessed "at the true cash value." As property has been assessed heretofore at from 25 to 60 per cent of its true cash value, and as the rates of taxation for the various purposes are fixed by law, it would naturally happen that, with an increase in the valuation, the rate of taxation would have to be decreased proportionately. But the legislature could not determine how much of a decrease would be necessary until the new valuation of property had been ascertained. Accordingly, the state board of tax commissioners was authorized to fix the rates of taxation for all purposes at such per cent as would produce approximately the same amount of revenue as was produced during the preceding year. The state board was also authorized to approve all bond issues. These two centralizing features of the law have been strenuously opposed, and at the special session of the legislature a so-called home rule act was passed which restores to the local authorities the right to fix all tax levies and authorize all bond issues, subject to an appeal to the county council of each county on petition of 15 taxpayers.

The state board of tax commissioners assumed that under the act of 1919 they possessed the authority to order horizontal increases in the valuation of property in any county as a whole or in any township. This supposed authority was exercised rather freely and produced considerable resentment from taxpayers who were affected thereby. In July, the supreme court handed down a decision in which they held that the state board of tax commissioners was without statutory authority to order horizontal increases. The effect of this decision was to render illegal assessments, then on the tax duplicates, and on which the first installment of taxes had been paid, aggregating $750,000,000. To correct this condition a so-called remedial or legalizing tax act was passed, which called all of the county boards of review into special session, to review the adjustments previously made, and to certify them back to the state board. Every county but four has approved the raises made by the state board, horizontal increases and all, and in these the state board has made county horizontal increases. Thus it has not been necessary to recompute the tax duplicates.

Charles Kettleborough.[2]

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[1] Director, Rochester Bureau of Municipal Research.

[2] Director, Indiana Legislative Reference Bureau.

The Ohio Legislative Committee on Administrative Reorganization.—Inadequate programs, defective organization and operation are the three sources of direct waste of public funds and energy, the joint legislative committee on administrative reorganization for the state of Ohio has declared in a preliminary report, upon completion of a survey authorized by an enactment of the senate last year. As a preventive for this waste, it is recommended that the number of separate administrative offices be reduced from forty-nine to ten departments and four commissions, in order to afford a fundamental basis for sound administrative operations.

Beside the various departmental changes, the joint committee proposed a reduction in the number of state elective offices. The three offices provided are those of the governor, the lieutenant-governor and the state auditor. Under the existing laws, there are six elective offices—the governor, lieutenant-governor, secretary of state, state auditor, state treasurer and the attorney general.

Among the various proposed changes are:

Lengthening of the governor's term from two to four years.

Repeal of enactments providing for senatorial confirmation of executive appointments.

The appointment of the director of education and the state superintendent of public instruction by a small board, instead of by the governor, and lengthening of the term of office of the superintendent of public instruction. The small board is to be composed of seven members and the appointment is to be made by the governor. The term of one member is to expire annually.

Establishment of an advisory state educational council, to be drawn from the representative life of the state and to serve without pay. This council is to be charged with seeking criticisms and suggestions with respect to Ohio's educational needs.

Reorganization of the state library.

Discontinuance of a separate college of homeopathy at the Ohio State University.

Separation of the auditing from the operating function of the auditor of state, with a view to placing the operating function, such as actual bookkeeping, in an executive department responsible to the governor, but enlarging the auditor's powers and duties to audit.

Responsibility and powers of the present board of administration to be vested in a director of public welfare.

Transfer of the dairy and food division from the department of agriculture to the department of health.

Removal of the bureau of vital statistics from the office of the secretary of state to the department of health.

Consolidation of the offices of the superintendent of public works, state highway department, commissions on canals, state lands, state parks, public buildings and the state geologist, under a constitutional officer to be known as the director of the department of public works and conservation. This change also carries with it the abolition of the state highway advisory council.

Creation of a centralized purchasing bureau and a multigraphing service, which would abolish the offices of the state printer and the supervisor of public printing.

Strengthening of the bureau of markets, the purpose of which would be to give due consideration to the interests of both the producer and consumer.

Cost of administering the workmen's compensation act to be covered in the premium charges rather than by appropriations from the general revenue of the state.

Modification of the civil service laws so as to reduce the number of exemptions; remove labor service from civil service jurisdiction; preparation of a schedule of adequate salaries and rates; elimination of the veteran clause; require an investigation of charges prior, rather than after discharge and make the commission a clearing house for all civil service matters.

Definition and enforcement of state standards for weights and measures.

Biennial report which clearly sets forth the state needs, state work and state costs.

In making the survey, more than ninety separate reports were compiled. Although the work has been completed, less than one third of the reports have been printed, ready for distribution. The committee had the assistance of the following: Don C. Sowers, as executive secretary, now director of the Akron Bureau of Municipal Research; Gaylord C. Cummin, of the Institute for Public Service, New York; L. D. Upson, director of the Detroit Governmental Research Bureau, aided by staff members, Arch Mandel, C. E. Rightor and Harrington Place; Henry Steffens, Jr., comptroller of the city of Detroit; and William H. Allen, director of the Institute for Public Efficiency, New York. S. H. Wolfe, consulting actuary of New York, investigated the Workmen's Compensation funds.

The reports on the survey will probably be presented to the next, or eighty-fourth general assembly of Ohio.

William M. Thomas.

✠

Cleveland's Precarious Financial Situation.—The recently organized Municipal Research of Cleveland has issued an exhaustive report upon the outstanding debt and the bonding policy of that city. The combined debt of the city, county and board of education is $100,000,000, of which $78,520,000 must be paid from taxes. The city has no original capital improvements to show for $12,000,000 of its debt. The sinking funds are found to be utterly inadequate to retire the term bonds as they mature, many of which were issued for excessive terms. Large amounts of bond funds are continually being expended for current purposes.

The reasons for the existing deficit are traced to the loose practices, prior to 1916, when the Ohio supreme court ruled that the act of 1902, requiring adequate annual sinking fund payments, was mandatory. Therefore it had been construed as merely directory.

As a way out the report strongly recommends that the provisions of the Gardner law be applied so that the debts, for which there are no sinking fund provisions, may be paid in full at maturity, instead of refunded as has been the too frequent custom. The Gardner law was the measure passed this year to extend financial relief to cities suffering from the severe tax limits of the so-called Smith one per cent law. For the past several years, Cleveland, in common with other Ohio cities, has found its revenue insufficient to meet expenses. The Gardner law permits cities, on vote of the electors, to exempt interest and sinking fund charges, outstanding January 20, 1920, from existing tax limits. Taking full advantage of the Gardner law will mean that sufficient additional taxes must be levied to pay interest charges, maturing serial bonds, regular sinking fund instalments and to meet the present sinking fund deficit.

✤

St. Louis Bond Issue Election.—Supporters of the proposed $23,000,000 bond issue for municipal development in St. Louis were sorely disappointed at the outcome of the recent election. Although almost every organization in the city—including the chamber of commerce, merchants' exchange, manufacturers' association, central trades and labor union, and real estate exchange—and every newspaper, favored the passage of all the eighteen items submitted, only five received the necessary two-thirds vote.

These five were for a total of $3,793,000, and covered the following public works: elimination of grade crossings, $905,000; farm for insane, $1,100,000; new engine houses, $360,000; new morgue, $68,000; reconstruction of streets, $360,000; and city lighting plant, $1,000,000. The rejected items provided for the following: purchase of parks and playgrounds, $1,385,500; improvement of parks, $1,174,500; municipal auditorium, $900,000; construction, reconstruction and extension of public sewers, $2,575,000; preventing floods from River des Peres and developing railroad and industrial district in connection therewith, $9,000,000; municipal farm for offenders, $400,000; railroad connection with free municipal bridge, $1,500,000; municipal docks, $1,700,000; street openings, $1,250,000; industrial farm, $156,000; additional cells in city jail, $76,000; municipal garage, $90,000.

The bond issue, had it been favorably voted in full, would have brought St. Louis' indebtedness up to the constitutional limit. Because of this fact, many proponents of municipal ownership of utilities were opposed to a number of its items. The unfavorable verdict is also greatly due to a widespread distrust of the present city administration, in evidence since the recall attempt of last year. The administration leaders sensed this distrust, and sought to overcome it by providing that a special committee of citizens, representing various associations, should have charge of the expenditure of the funds.

Another special citizens' committee was chosen to go over the proposed items before they were submitted to the people. This committee's recommendations were almost unanimous in favor of the issue as voted on, the only serious objection being voiced by Frank P. Crunden, president of the Civic League, who attacked several items as donations to the Terminal Railroad Association and other interests. Mr. Crunden's criticisms were particularly directed against the railroad provisions in the River des Peres reclamation plan.

Louis F. Budenz.

✤

Cleveland Voters Refuse Higher Dividends to Street Railways.—At the primary election of August 10, the question of raising the dividend rate on the stock of the Cleveland Railway Company from 6 to 7 per cent annually was referred to popular vote. It was decisively defeated by approximately 3 to 1. The city council some months before had agreed upon the increase and one dividend at the rate of 7 per cent had been paid, but the matter was pressed to a referendum vote and the people showed decisively their attitude toward increasing the stockholders' returns on their investment. The company had contended that a 7 per cent return was necessary to make new issues of stock, for financing extensions, marketable.

The company announces that the fare will have to be increased from five to six cents in the near future and that, unless additional funds for capital outlay are secured, no new extensions can be made next year. The company proposes to issue $4,000,000 worth of common stock at par ($100) and accrued interest over the counter to the public in an effort to raise further funds. The president of the company is quoted as saying: "The public thinks 6 per cent is enough to pay on our stock, then I hope they will back their judgment by their money."

L. E. Carter.[1]

* * *

Boston Committee Adjusts Housing Difficulties.—Last March the mayor of Boston appointed a rent and housing committee to adjust difficulties between landlords and tenants and to make a study of housing needs. Adjustments have been accomplished in approximately 1,500 cases. The committee has adjusted, directly or indirectly, 76 per cent of the complaints of rent increases presented to it. One of its first acts was to list all the vacant houses in the city and to obtain information concerning the properties through questionnaires sent to the owners. These records were available to all persons seeking places in which to live.

* * *

Stringent Taxi Regulation Adopted.—Cleveland has passed a new taxi-cab ordinance. The requirements include finger print identification of all drivers, revocation of licenses by the chief of police as well as commissioner of licenses, mayor, or judge of a municipal court, and liability and property damage insurance.

* * *

Louisiana Considers Constitutional Convention.—The legislature of Louisiana has passed an act submitting at the election in November the question as to whether or not a constitutional convention shall be held. If the people vote in favor of the convention it will meet in March, 1921. The election of delegates will be held at the same time as the vote on the proposition to hold the convention.

II. MISCELLANEOUS

The Constitution of the New Republic of Czechoslovakia contains some unique provisions which will be watched with interest as their effectiveness is or is not demonstrated in years to come.

The national assembly is bicameral and elected under proportional representation. For election to the house of deputies the franchise is granted to every citizen irrespective of sex who has attained the age of 21 years. In the case of the senate the corresponding age is 26 years. The terms of the members of the two houses are six and eight years respectively. The upper house has only a suspensive veto on bills passed by the lower. The latter may repass by a majority vote a measure dissented to by the former unless the rejection was by a three-fourths vote, in which case a three-fifths majority is necessary in the lower house to enact the measure into law.

The president is elected at a joint session of the two houses by a three-fifths majority. He cannot be impeached, but all his acts must be countersigned by a minister who is at all times responsible to the lower house. Any or all ministers are removable by a vote of no confidence by the deputies. The president enjoys a suspensive veto. A vetoed measure becomes law if repassed by simple majorities, but if the house of deputies alone passed the original measure it may be passed over the veto by a three-fifths majority of the lower house only.

A permanent commission of 24 members, 16 from the house and 8 from the senate sits during a recess of the legislature with power of control over the cabinet and executive. Should the legislature prove hostile to proposals of the cabinet, the government can order a referendum to the people.

Special machinery, in the form of a constitutional court, is erected for the final determination of the constitutionality of laws. The court consists of seven members. The supreme court and the administrative court designate two members each; the remaining three are appointed by the president. A special franchise court is created to determine the validity of elections.

The constitution may be amended by a three-fifths vote of all the members of parliament.

The makers of the constitution were influenced by the American constitution but they borrowed more of the actual planks from the French system than from American. They were used to the machinery of parliamentary government with responsible ministries and very early decided that the presidential republic on the style of the United States would not be suitable to Bohemian conditions.

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[1] Director, Municipal Research Bureau of Cleveland.

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Social Service Director for Akron.—The new Akron charter creates a social service department whose function is to manage all charitable, correctional and recreational agencies owned or controlled by the city. The department furthermore is to supervise all private or semi-public social service activities, supervise all public amusements and furnish legal aid to the poor. An advisory commission has been selected to aid the director.

The principal facts which prompted the incorporation of this provision in the charter was the belief that the welfare of the people in the most rapidly growing city requires special foresight and planning, and that fields of social effort not covered by existing voluntary agencies should be taken care of by the city. The social service commission does not intend to supplant existing agencies but to co-ordinate and supplement them. The Rev. George P. Atwater is chairman of the commission.

*

Federal Employes Study Reclassification.—The federal reclassification commission submitted its report and a bill to congress during last March. The bill, however, which vested in the civil service commission complete control over reclassification and greatly augmented its powers over employment policies and administration made no progress at the last session of congress.

The federation of federal employes have engaged Mr. Robert Moses to prepare a report on the reclassification situation and a new bill which will bring the reclassification report into harmony with the amended budget bill which is regarded as sure to pass and receive the President's approval at the beginning of the next session. Mr. Morris B. Lambie will be associated with Mr. Moses in this work. The employment of independent specialists by the employes' union is an unusual event. The officials of the federation have announced their sympathy with the budget and reorganization program and their conviction that progress in reclassification is closely bound up with it.

*

City of Alameda, California, Starts Free Periodical.—The *Alameda Municipal Journal* is one of the recent editions to the *National Municipal Review* list of exchanges.

This journal is to be published monthly and will be distributed free each month to every home in the city. The birth of a new municipal publication is of interest as indicating the importance being attached to keeping citizens informed about their government. The opening issue says:

"The journal bears the official seal of the city of Alameda and is published at the direction of the city manager and the city council. It is approved by them as a medium through which the activities of the various municipal departments may be recounted and thus brought directly to the attention of those whom these departments serve—namely, the citizens of Alameda."

*

A New Training School for Public Service.—Professor E. W. Crecraft of the Municipal University of Akron is co-operating with the Akron Bureau of Municipal Research. Students in the university are allowed credit for field work, and the arrangement is said to be tantamount to a training school for public service. Several university students are now working on assignments under the supervision of the bureau.

*

Paying Taxes in Weekly Instalments.—In connection with its system of direct rating which came into force in April, 1919, the English county borough of Bootle has introduced a novel method of collecting the rates. This takes the form of adhesive stamps designed for the corporation, which can be affixed in books specially supplied for the purpose. The stamps vary in denomination from *2s.* to *7s.*, with stamps of smaller denominations to make up odd amounts. Under this system ratepayers are permitted to pay rates in 36 weekly instalments, commencing with the last week in April and finishing with the last week in December.

As each instalment is paid the taxpayer is given a receipt stamp of the proper amount which he places in a book given him for the purpose. The system was devised for the convenience of the small ratepayer. At present about 2,600 persons have taken advantage of this method. It is expected that eventually a much larger number will do so, especially in times of industrial depression.

*

The Housing Problem in St. Louis is the title of an attractive booklet recently issued by the city plan commission of that city. The housing problem in St. Louis and the nation is discussed as well as measures proposed or undertaken for relief. The practical value of the pamphlet consists in a discussion of the costs and advantages of the various types of dwellings, with suggested plans and specifications, and studies in land allotment and community planning.

⁂

The St. Louis Home and Housing Association, organized last year to encourage home building, after six months' activity, reports a trust fund of $1,034,000 which is being used to buy land and build houses in various sections of the city.

The schedule calls for the starting of a new house every day between April 1 and November 20, 1920, and at this writing the association is ten houses ahead of its schedule. The houses range in cost from $5,500 to $8,900 and are sold on a basis of 10 per cent cash and the balance in ten or twelve years. The selling price includes insurance on the life of the purchaser so that if he dies or becomes totally incapacitated the insurance company pays the price in full and the house immediately becomes the property of the purchaser or his estate. The Missouri State Life Insurance Company is under contract with the Home and Housing Association to purchase all of the loans on these houses as they are sold, in this manner the building program for next year will be financed.

⁂

Canada Helps Indians to Full Citizenship.—The Canadian parliament has recently passed a measure designed to make easier the attainment of full citizenship by Indians. Earlier acts governing the enfranchisement of Indians were framed with great caution. The consent of the band of which the Indian was a member was necessary and six years must intervene before he was deemed fit to handle his own property and take his place as a citizen of the country.

The consent of the band is no longer necessary and the long period of probation has been abolished. Each applicant is now examined by a board of three, one of whom is an Indian, and if found fit is immediately enfranchised by an order in council.

⁂

Resignation of Mr. Alfred T. White.—A few years ago interlocking directorates were viewed by many with great disfavor. They seem an inevitable accompaniment of large business affairs. So, too, in social work there are some disposed to criticize interlocking directorates. There might be few if more men of ability gave themselves to public service as for forty or more years Mr. Alfred T. White has given himself.

After serving as president of the Brooklyn Bureau of Charities for more than thirty years, Mr. White has found a worthy successor in Mr. Darwin R. James. Upon his retirement the Brooklyn Bureau adopted resolutions of appreciation of the value of Mr. White's leadership, of his generosity, and of the fine influence he had exerted for all good causes in the former city, and now borough of Brooklyn.

More than forty years ago Mr. White was a pioneer in the building of tenement houses that still do good service, and are better planned than any of the houses which barely conform to the Tenement House Law of to-day. From its earliest days Mr. White has been a supporter of the National Municipal League.

⁂

The Housing Crisis is the title of a memorandum prepared by the City Club of New York for presentation to the special session of the legislature called to meet September 20. The memorandum urges that housing boards be established in each community of over 10,000 population; the enactment of a constitutional amendment to permit the use of state credit by private builders, and passage of an act enabling cities to engage in municipal housing. The report places little confidence in the proposal to exempt real estate mortgage interest from the income tax, but favors the plan to exempt new dwellings from all direct taxation.

⁂

Mr. James W. Routh, director of the Rochester Bureau of Municipal Research, has been able, under an arrangement with the board of trustees of that organization, to devote part of his time to the new profession of consulting engineer on municipal problems. His services are now available in that capacity. There will be no change in the functioning of the bureau or in his connection with it.

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Mr. E. L. Bennett has resigned as executive secretary of the League of Minnesota Municipalities to join the staff of the Chicago Bureau of Public Efficiency. Mr. Joseph C. Taylor is at present acting executive secretary of the League and secretary of the Municipal Reference Bureau affiliated with the University of Minnesota.

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THE LAW OF THE CITY PLAN

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THE LAW OF THE CITY PLAN

ADVANTAGES OF CITY PLAN

If intelligent and careful planning is necessary to the attainment of economy and efficiency in construction of any sort—and it will scarcely be asserted that they are mere matters of luck—it follows that the more complicated and extensive that construction is, the more essential it is that it should be planned. A city is a huge agglomeration of social and economic interests, under many independent heads, each seeking, through the city government, its expression in the physical life of the locality. The aim of that city government should be to harmonize these interests in the unity of the locality, as the only method of giving the greatest expression to each of these interests that is compatible with the fullest expression of the interests of all. Evidently here is an enterprise, extensive and complicated beyond any private undertaking, supremely in need of the guidance of a plan.

Self evident truths are usually difficult to prove. Such truths, while often ignored, are seldom denied, but may with profit be illustrated. The advantages of a city plan are so well stated by Nelson P. Lewis, Esq., chief engineer of the board of estimate and apportionment of the City of New York, and president of the National Conference on City Planning and the American City Planning Institute, in his book entitled "The Planning of the Modern City"[1] that we cannot do better than quote him for that purpose. In his chapter on "The Economic Value of a City Plan," Mr. Lewis says:

> It may not be possible to express the advantages of a good city or town plan in money. Mr. John Burns, who may be called the father of city planning legislation [in England] has said that investment in a good plan, whether it be for new parts of a city or for the correction of older parts, if regarded for a period of a year, may appear expensive; if considered for a period of five years it will be profitable; when considered for a period of fifty years it will be an investment which in subsequent days will make the community regret that it did not adopt it sooner. Mr. Burns further notes that the neglected hamlets of a hundred years ago are the squalid industrial towns and cities of to-day, and he pleads that we so arrange the physical life of a hamlet, village, town or city that it can grow naturally and at each stage avoid the cost, nuisance, ugliness and squalor which one sees wherever a town encroaches on the country.
>
> Instances may be cited [continues Mr. Lewis] where towns have grown very rapidly and have developed into great commercial and industrial cities, although their plans violate almost every principle laid down by city planning authorities. Their growth, however, has been due to certain natural advantages and to the general development and prosperity of the districts tributory to them, and they have grown in spite of the handicap of a poor plan. When its defects and the embarrassment to business due to them become apparent, vast sums are often spent to cure the defects which might have been discovered and avoided had sufficient study been given to the plan when it was first under consideration, and the increased cost of doing business for a period of years and the large sums spent in the correction of the plan might have been saved. The cost of reconstruction has run far into the millions in nearly every large city except Washington, which was so planned as to provide for future growth. To give figures for different towns is unnecessary, but the total would be staggering.

Of the efforts to estimate with anything like precision the economic value of a city plan, Mr. Lewis says:

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[1] John Wiley and Sons, Inc., New York, 1916.

It is very difficult to capitalize the advantages of any improvement or betterment which is for the free use and benefit of the general public. It may be possible to estimate the pecuniary loss suffered by individuals, by groups of individuals or by corporations through delays and the increased expenses which are due to a bad plan. . . . Estimates could be presented which have doubtless been made with care . . . but those who have made them have been so intent upon making a case that other contributing causes may have been lost sight of. Even if due allowance is made for such omissions, the preponderance of evidence is so great that the general conclusion must be admitted to be sound. It is quite obvious, for instance, that if goods are to be moved from one point to another, and it be necessary in doing so to follow two sides of a triangle instead of traveling along the hypothenuse, there is a loss of time and an increase in cost. . . . To compute the delays which occur to traffic and apply them to the hourly expense of a team and driver and to argue that each team would have accomplished so much more during the working day is to neglect the personal equation of the driver and the improbability of his or his team's disposition or capacity for a sustained maximum effort during the entire working day.

When an attempt is made to estimate the value to the city or the state of the more robust and vigorous manhood and womanhood which would result from better living and working conditions, and the consequent saving in the annual budget for charities and the maintenance of order, we are again dealing with something which we know to be of enormous advantage, but which can scarcely be expressed in dollars and cents.

Such estimates, if not mathematical demonstrations, are nevertheless an aid in grasping the undeniable facts of the case. With this object in view Mr. Lewis points out that:

If a million passengers are carried by surface railways or omnibuses each day—and this number is greatly exceeded in several large cities—and if the loss in time due to traffic congestion through inadequate street capacity averages ten minutes a day, the total loss of time would be equivalent to 20,833 working days of eight hours each. If the average pay of those who were subjected to this delay is assumed to be $3, and if but one half of this time is a loss to their employers, the total loss in productive work during a year of 300 working days would be $9,375,000, to say nothing of the loss of efficiency by reason of worry and wear and tear in reaching their places of employment. This would represent 5 per cent on $187,500,000. If in this same city there were 60,000 horse and motor trucks that are subject to an average delay of half an hour a day, and if they represent a cost of $5 for a day of eight hours, their loss in time, all of which would fall upon the employer or owner, would represent a value of $5,625,000 during a year of 300 working days which is equivalent to 5 per cent on another sum of $112,500,000. It may be argued that the expenditure of $300,000,000 would be justified if these losses could be eliminated.

While such arguments [continues Mr. Lewis] are of little real value, they are frequently used; but why try and prove by figures something which is so evident that it cannot be gainsaid? If improvements to correct such defects and do away with such delays were not worth while, why are they so frequently undertaken? Why, also, is it that the cities which have the courage to undertake them are those which are conspicuous for their rapid increase in population and wealth? What induced them to undertake such great and costly improvements? . . . It was because they found that it paid in the case of other improvements and believed that it would pay again. Did Paris make a good investment when it expended hundreds of millions of francs in beautifying the city and making it a more attractive and beautiful place in which to live and do business? Ask the Parisians and see. Ask them also what prompts them to consider further great undertakings of this kind, unless it is due to the beneficial results of those carried out under Haussmann.

In the same way, Mr. Lewis points out, the vast improvements in German, English, Scotch, South American, Canadian, and our own greatest and most prosperous cities, have justified themselves with the people who have paid for them; and he points his moral as follows:

But why continue to put questions, the answers to which are self evident? Yes, a good city plan pays. The benefits . . . are quite apparent and every town which has tried to improve its plan seems satisfied that it has done a wise thing and would not go back to its old conditions. . . . How much better then if this enormous cost of rearrangement could have been avoided by a more careful study of the plan when it was first worked out. That would be constructive city planning, the advantages of which cannot be computed in money but which can readily be realized when we consider the enormous expenses which have been incurred by cities where this preliminary study was not given and where the corrections had to be made at a subsequent time.

WHAT PLAN SHOULD CONTAIN

Since the aim of city planning is the attainment through unity of efficiency and economy in city construction, there must be in all the steps of that construction a plan, in outline at least, of the city as a whole, to which any part of that planning, however small, shall relate to be followed from time to time by the planning of details, extensions, and such modifications of existing features as unforeseen changes or further experience and study seem to dictate.[1]

The complexity of city life being great, the factors in its physical development are numerous. In order to secure unity, the plan of the city should include and harmonize as many as possible of these factors, public, semi-public and private whether within the legal limits of the city or outside them, if near enough materially to affect the city or be affected by it; such as the street system, the water front and its improvements, the parks and other open spaces, the public and semi-public buildings and their sites, the transportation systems, local and long distance, with their freight and passenger stations and terminals, the gas, water, electric, and similar public utility systems, the subdivision of building land and the height, area with relation to the size of lot and use of structures on it.

PARTIAL PLANNING

Very few cities in this country have comprehensive city plans, although in many of them certain features have been thought out and executed with care and with good results. This partial method of planning is open to grave criticism. New York, for instance, built an extensive system of subway and elevated transportation to relieve congestion in the older parts of the city which, for lack of zoning restrictions, has been instrumental in adding new congested areas to the old ones. Nevertheless partial planning is by no means necessarily a mistake. The American public is not educated to the need of a comprehensive plan, but is sometimes alive to the advantages of some one feature of such a plan as, for instance, transportation or zoning; and the planner unable to do what he would, must do what he can. In such cases, however, the need of the general plan should always be kept in mind and as an incident of the smaller work, as much of the larger done as is feasible. This is in fact the practice of wise city planners. For instance all good zoning is based on preliminary surveys, which are partial planning studies.

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[1] The legal map of a city consists of many sheets, each showing one or more features of the plan for a section of the city. For the provisions with regard to the map of the city of New York, see the Charter (4th ed., 1918, by Mark and Wm. Ash) ch. X, title 4 (sec. 438–449). For similar provisions with regard to the map of Philadelphia, see Purdon's Digest of Statute Law of Pennsylvania, 13th ed., vol. III, p. 2942 ff. and supplement, 1905–15, p. 6744. The Pennsylvania law for second class cities is much the same: *ib.*, vol. III, p. 3088, sec. 569. For similar provisions for Baltimore, see sec. 84–86 of "A Code of Public Local Laws of Maryland," art. 4, title "City of Baltimore," subtitle "Charter."

ENFORCEMENT OF PLAN

The city plan, in order that the many features included in it may conform to it in their development, must be enforced. These features are widely different in their nature and characteristics and the measures to be taken to secure this conformity must vary accordingly. The public features, such as highways and public open spaces, are constructed entirely by public officials, whose acts may be controlled absolutely by the city. The semi-public features, such as the privately owned utilities, are chartered by the state; but their operation and location in so far as it is on, over or under public property, is usually subject to the city's consent. To that extent, therefore, directly and by this means to some extent indirectly the utility may be controlled by the city. The private features, such as land privately owned and structures erected on it by private persons, the city can control only in so far as our constitutions, state and national, permit by virtue of what is known as the "police power." A measure of public control over private land and the uses to which it may be put is essential to the planning of both the public and the private features of the city. The planning of the city's private features is accomplished for the most part by the regulation of the height, area and use of buildings. This subject is discussed in a former supplement to this magazine on "Zoning"[1] and will be referred to only incidentally here.

A measure of public control over land which is, and is to remain, in private ownership and use is essential to the carrying out of the public features of the city plan. The city could ensure the possibility of the construction of its public features as planned by purchasing the land needed for them, if this were feasible; but prudent planning must always anticipate present needs by many years, and cities, for lack of the necessary funds, seem never able to purchase more land than is required for the immediate future. Unless, therefore, the city can by some method make adherence to the public features of the plan binding upon the owners of the land affected by it, this land is sure to be used in ways which will make it impossible when the time comes, to construct these features as they were originally planned. This the history of many American cities only too clearly proves.[2]

In foreign countries where city planning has been most successful, adherence by the land owners to a plan containing a few of the main features of the future city is secured by providing that no land owner shall improve his land in any way which will interfere with the carrying out of that plan; or that when the public subsequently takes the land, any improvement infringing upon the plan made subsequent to its adoption shall not be paid for. In this country it has been held by our courts that such a provision limiting the owner's right to use his land is a taking of property rights without compensation, and forbidden by our constitutions.[3] The purpose and usual effect of a plan is not to deprive a man of any profitable use of his land but to help him to develop it to the best advantage for himself as well as for the community. Nevertheless it is unlikely that these decisions will be overruled; for unquestionably plans could be made which if delayed in execution must work unjustly to certain land owners. It has been suggested that the plan, in so far at least as streets and public open spaces are concerned, might be established by taking and paying for an easement compelling the land owner to observe the plan; but the double procedure involved in condemning first an option on the land in its existing condition and then the land itself would undoubtedly be too cumbrous and expensive, and any such law would probably remain a dead letter.[1] A more practical suggestion is that, under the police power and without payment, any land owner proposing to make an improvement contrary to the plan should be required to give the city prior notice of perhaps six months, in order that the city might exercise its right of taking and paying for the land under condemnation proceedings.[2] No such law exists, but a number of laws provide that the owner of land, before he lays out streets with lots abutting on them for sale and attempts to record the plan, shall submit his subdivision to the city for approval before the plan shall be recorded; and also forbid utilities in streets until such approval is obtained. The private street, laid out by the land owner all too often for his immediate profit, with no regard for the interests of the city as a whole or those of the people who are to live on the tract in question, while by no means the only offender against the city plan, is probably the commonest one; and when the lots on such a street are sold to innocent purchasers and houses built on them, the city is practically forced to accept the street as a part of its public system; the only alternative being to allow the street to remain in private control, thus continuing one evil without lessening the others. The provision for approval as a prerequisite to record is effective; it is impossible in this country to sell land without a record title. The provision is also, probably, constitutional, record being not a right but a privilege which the law, for reasons of public policy, may withhold.[3]

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[1] By Edward M. Bassett, Esq., issued with the May (1920) number of the NATIONAL MUNICIPAL REVIEW.

[2] See the report of Dr. Robert H. Whitten, at that time secretary of the Committee on the City Plan of the Board of Estimate of New York City, to that committee, dated November 20, 1917, on the "Erection of Buildings within the Lines of Mapped Streets."

[3] See the report just cited. The law is settled to the effect as stated in the text everywhere in the United States where the question has arisen, except in Pennsylvania. The cases are given in Lewis, Eminent Domain, 3d ed., sec. 226.

THE CITY PLANNING COMMISSION

The prevailing form of planning executive in this country, both for cities and for smaller communities, is the commission. The first permanent official planning commission was appointed in Hartford, Connecticut, in 1907[4] and there are now hundreds of such commissions in the United States. Prior to 1907 city planning was wholly a voluntary movement of private citizens, inaugurated by a chamber of commerce or other society or by a committee formed for the purpose and supported entirely by private funds. By such experiments the feasibility and usefulness of planning was proved sufficiently to induce the public authorities to adopt it. Thus to this citizen movement we owe official city planning in this country; and any community which cannot obtain an official planning commission should form an unofficial one, as a first step to that end.

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[1] There is such a law in Connecticut for the planning of towns. Rev. stats. 1918, sec. 391–396.

[2] See the report on the "Erection of Buildings within the Lines of Mapped Streets" already referred to; and for a more radical suggestion, see "A Survey of the Legal Status of a Specific City in Relation to City Planning," by Edward M. Bassett, in the *Proceedings of the Fifth Conference on City Planning* (Chicago, 1913) pp. 46–48.

[3] See cases cited in 13 Cyclopaedia of Law and Procedure, p. 597, note 599; also *State* v. *Register of Deeds*, 26 Minn. 521; *Van Husan* v. *Heames*, 96 Mich. 504; *Welever* v. *Auditor Gen.*, 143 Mich. 311; *Contra*, *State* v. *Moore*, 7 Wash. 173.

[4] Special Laws, Conn. 1907, no. 61, amended; *ib.*, 1909, no. 34, sec. 6, and no. 74.

In the beginning of the city planning movement planning commissions were often created for the purpose of preparing a city plan, and when this was done, ceased to exist; but the mistake of such a policy is now generally realized, and almost invariably permanent commissions are now appointed. The city is not a static thing to be made complete, according to model once for all, but a growing and changing organism. Not only must the plan be prepared but it must be enforced on forgetful and sometimes unwilling city officials and property owners, and added to or modified as the growth and change of the city demands. All this requires the watchfulness and study of a planning executive,—a duty which the commission that prepared the plan, if a proper one, is best fitted to perform. The planning commission should, therefore, from the start be a permanent one.

Official commissions can come into existence only by virtue of law; but it does not follow that in all cases an express law must be passed authorizing such a commission or it will be impossible to obtain one. If the commission is to have simply advisory power,—and, as we shall see, such a commission is by no means powerless,—the city can, in all probability, create it under its general powers; and in many cities planning commissions created by the legislative body of the city, or planning committees of that body appointed by it, to whom it refers planning matters which come before it, exist, and have done good work without any express provision of law authorizing them.[1]

In a number of states some or all cities or other local governments are given by law or constitutional enactment the "home rule" right to adopt or amend their own charters and may, therefore, include in them a provision for a city planning commission, with more than advisory power, if that is their desire; the extent of that power depending upon the laws and constitution of the particular state.[2] As a rule such cities may give planning commissions so created all the planning power which the city itself possesses. Cities under a commission form of government do not consider it a departure from principle to create planning commissions.

In several states planning commissions, for all or certain classes of cities or individual cities or cities and smaller communities are provided for by express statute.[3] Under these statutes the local authorities are in some cases directed to create commissions;[4] but most of these statutes are permissive, these authorities being given the power to exercise or not as they see fit. The advantage of permissive statutes is that they compel the advocates of planning to educate the community to its use before the attempt to plan is made.

[1] Examples of planning bodies so created are the Commission for Bridgeport, Connecticut, authorized by the Common Council August 18, 1913; that for Providence, Rhode Island, authorized by ordinance, ch. 599, No. 407, approved December 2, 1913; and the committee of the Board of Estimate and Apportionment of New York City, authorized by it January, 1914.

[2] See on this subject generally "The Law and Practice of Home Rule," by Howard Lee McBain, Columbia University Press, New York, 1916.

[3] See Tables of Statutes below.

[4] As, for instance, in Massachusetts; the citation is given in the table just referred to.

There are various methods of appointing or designating the members of planning commissions. When the commission comes into existence under the city's general powers, if created by the mayor, its members are appointed by him; or if created by the council, its members are appointed by it or it authorizes the mayor, with or without its concurrence, to appoint them; for while there is no legal reason why there should not be more than one such planning commission in existence in the same city at the same time, it is not probable that this will occur.

When commissions are formed by virtue of a statute or a charter provision, the statute or charter provides for a method of their appointment. In some cases the city council, authorized to create a commission if it sees fit, is also authorized to decide how its members shall be named; but usually the law directs that, in so far as the members are not designated by law, they shall be appointed by the mayor or by the mayor and council. Appointment solely by the mayor would seem to be the better method. The principle of centralizing both power and responsibility in government is now universally regarded as the correct one, especially in the appointment of officers for the performance of duties with regard to which the general public has little knowledge and interest. This is a part of the well known "short ballot" principle.

MEMBERSHIP OF COMMISSION

The number of members of the commission is as a rule between five and fifteen, the usual number being seven or nine. In special cases, as in metropolitan planning, where several local governments are involved, there is much to be said for a large commission, although even in that case it should be avoided if politically possible; and often for special work such as for instance the preparation of zoning regulations and maps, a representation of the various interests involved larger than that which the usual planning commission affords, seems desirable; but a sub-committee may be formed to aid in that work, without enlarging the permanent commission. That commission in city planning should as a rule be kept small; for while it is important that it should be representative, it is even more so that it should be efficient, as the large commission in executive work seldom is.

The provisions with regard to the qualifications which the members of the commission shall have for the work vary in the different laws and ordinances under which the commissions are appointed, in some cases the appointing authority being left free to use its own judgment, in others that authority being required to select men skilled or learned in certain matters; in still others, and this is the more common provision, the law requiring that a part, generally from a half to three quarters of the whole, shall be the incumbents of certain designated city offices, while the rest, to be selected by the appointing authority, shall be citizens holding no other city office. In a few cases the law provides that not more than one or two of these selected members may be non-residents.

The city officials who *ex-officio* are oftenest designated as members of the planning commission, are (in the order of frequency) the mayor, the chief of the department of public works, the head of the park board or department, and the city attorney. Often, too, a representative of the legislative branch of the city government, or even of its two branches, if it is bicameral, are so made members. The periods of time for which the selected commissioners are appointed are usually made overlapping so as to secure a measure of continuity.

The reason for including on the commission both city officials and lay members is that both the immediate and the more far-reaching points of view may be represented. The plan must be sufficiently ideal to provide for progress, sufficiently general to unify the city in its growth, sufficiently prophetic to provide for the future; but the ideals must be capable of practical fulfilment and closely related to the city as it is. There is also the danger, especially in the large cities, that the officials will be too busy with what they are likely to regard as duties which are more specially theirs, to give attention to planning. The individual problems of each city may well modify the choice of members for the commission. It should be remembered, however, that the commission is entitled to the assistance and advice of the city officials. There is, for instance, little need for including the city attorney as such in the membership.

POWERS OF COMMISSION

The powers of commissions in matters relating to city planning under the various laws may be characterized as those of (1) general advice; (2) advice a prerequisite to action by other city authorities; (3) advice which may be overruled only by more than a majority vote of the city council; (4) absolute control. In addition such commissions are given powers of various sorts with regard to special phases of planning, made the agent of the city in various matters of city construction or required to perform certain duties for the city.

General Advice

Practically all planning commissions, including those which are granted additional powers,[1] are given the right to make a plan of the city and its environs, whether within the legal limits of the city or not. This plan as a rule may contain anything which the commissioners think bears on the planning and construction of the city, even if in some cases the city has no power to act on it. The commission may also make reports on any or all of these matters, and give advice to city officials, or private corporations and individuals with regard to them. The right to receive full information of the action of the city authorities on planning matters as soon as it is inaugurated and before such action becomes final, is often added.

Innocuous as this power seems, it is nevertheless most useful. A good plan, backed up by intelligent publicity, of itself has great influence on the community and on city officials. Gradually some of its features, more or less modified, sometimes for the better, often, unfortunately, for the worse, are carried out; and even if city improvements, rightly or wrongly so called, are made in disregard of it, blocking some of its important features, there is every probability that its influence for good will reassert itself later. Most of the earlier commissions were given merely the power of advice, and nevertheless justified their existence; and a number of the later statutes are similar in this respect.[2]

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[1] Such as, for instance, those created under the Minnesota, New Jersey, New York and Ohio laws, given in full in Text of Selected Statutes below.

[2] As, for instance, the commissions appointed under the Massachusetts laws. The reference is given in the Tables of Statutes. Of this character also are the laws of New Jersey, 1911, ch. 71, and 1913, chs. 72 and 170, and the later laws of California, Nebraska and Oregon, listed in the table of laws already referred to.

Advice a Prerequisite to Action by Other City Authorities

Most of the recent laws for the creation of planning commissions, in addition to granting them the power of "general advice," provide that before any other city authority takes final action on any one of certain specified matters, it shall notify the commission and await for a certain time a report from it. That report the commission is given the right and duty to submit, but the authority concerned may disregard if it sees fit.[1] This is in accordance with the best thought on the conduct of representative government. If power and therefore responsibility are divided between the commission and the authority concerned, the voters do not know whom to hold accountable for action or inaction and its results; but under the provision in question that authority is required to listen to the advice of experts, but must itself act and assume full responsibility for so doing, in other words, is unable to indulge in the favorite political game of "passing the buck."

Advice to be Disregarded only by more than a Majority Vote of City Council

In several laws and ordinances for the creation of planning commissions the recommendations of the report which is a prerequisite to final action can be disregarded only by a vote of more than a majority of the city council, the usual requirement being two thirds.[2] The purpose of such a requirement is to increase the power over city planning matters of the experts in these matters without unduly dividing authority. In certain matters where stability is especially important there is much to be said for such a provision; but its wisdom in all the many matters of city government and construction which should be within the jurisdiction of the planning commission is more doubtful; for certainly city business must be promptly done, and it is to be feared that by such a requirement either the field of usefulness of the commission would be unduly limited, or the city's business confused and delayed.

Absolute Control

In one or two cases[3] the commission is given the right to make a report on the matters deemed of importance in planning, which the other city authorities must follow; or is made the power in the first instance to decide and in some cases to carry out the city's policy in these matters. Under such a system the commission is in reality the board of public works of the city, which loses the advantage of having a planning commission with the measure of detachment essential to the task of planning. Usually, too, such matters have a legislative side, and questions of policy with relation to them should be decided by a legislative body, with the advice and subject to the criticism of experts. If the commission is given complete authority in these matters, this advantage is forfeited.

Method of Conferring Powers upon Commission

The powers granted to commissions vary greatly in character, and the methods of conferring them should vary accordingly. In so far as the power is that of "general advice," which other officials may profit by, but are not required to regard or even await in their action, there can be no harm and may be much good in giving this power in the broadest terms; and such is the general practice. Even matters with regard to which the city has no legal right to act are included. This is done, as a rule, by empowering the commission to make a map of the city and its environs within and without its legal limits, including in it all matters which the commission deem relevant, and also, for full measure, giving it specifically the right to investigate, report, and advise officials and private parties on all such matters.

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[1] The law of Minnesota is of this class; and also the special law for Hartford, Connecticut, already mentioned, special laws for a number of other Connecticut cities, and the law of Wisconsin, in the table just referred to. See in this connection also the New York law, printed in full in text of selected statutes below.

[2] To this effect are the laws of New Jersey and Ohio, printed in full in Text of Selected Statutes below.

[3] As, for instance, in Cleveland, under the provisions of its charter and ordinance, printed in full in Text of Selected Statutes below.

When the report of the commission is made a prerequisite to action by other city departments, this power of report, whether it may be disregarded or overruled by these departments or not, should be limited to the consideration of the more general aspects of those few matters which most vitally affect the city plan; for the number of matters which relate to the city plan are very great indeed; there is very little of the city's business which does not in some degree or detail have such a bearing, and to refer most of the business transacted by the entire body of the city's officials to any one authority would cause intolerable friction and delay, even if these officials were under no obligation to follow its advice.

Perhaps the best method of giving this carefully defined power to the commission is to establish an official city map of those features which, unlike the commission's "general advice" map, city officials shall be compelled to follow. This map should become binding when adopted by the legislative branch of the city government, and should of course be amendable in the same way in which it is adopted. It should be the duty of the planning commission to prepare this map and suggest such additions and changes in it from time to time as seem desirable. Being binding upon the city no improvement could be inaugurated until first made legally a part of the map; and the adoption and change of this map should be forbidden until referred to the commission. More or less adequate precedents for such a map exist in legislation and practice in the country.[1] In default of such a map the matters in which a report from the commission is a prerequisite to final action may be referred to it by naming them in the statute or ordinance.

Among the features of city construction which it seems clear should be referred to the commission in this way are highways of all sorts, including parkways, with their building lines or set backs,[2] sewers, water pipes, conduits, bridges, viaducts, tunnels, and other incidents; and parks, playgrounds, squares, and other public open spaces; and the water front, with its pier and bulk head lines, docks, warehouses, and other harbor improvements; and public buildings; and privately owned buildings, such as street railway stations and ferry sheds, in so far as located on public property; and transit lines and other public utilities, both on public and on private property, in so far as the permit for them is issued by the city. A precedent for the inclusion of most if not all of these features will be found in legislation in this country.[1] Some statutes go further, embracing all "public improvements";[2] but this would seem to be both too broad and too indefinite.

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[1] Perhaps the best is that of New York City. For a reference to the provisions with regard to the map of that city see p. 665, note.

[2] Building lines or set backs are a part of the official map of New York City. Laws, 1917, ch. 631–632 (called "Court Yards Abutting Streets").

The same care that must be exercised in deciding what features of city construction shall be referred to the commission is needed in determining in what detail these selected features shall be so referred. Certainly it should pass upon the "location" of these features, which should include change of location, enlargement, alteration, discontinuance, etc.; and upon the width and grade of highways; and upon the plotting of subdivisions of private land; for all of which there is precedent in this country.

In some laws the commission is directed to pass on the "design"[3] of features with regard to which it is given jurisdiction. This is giving the commission duties proper for an art commission to perform, and is wise only when such a course is advisable.

Art Commissions

In several statutes[4] the planning commission is also the art commission of the city. Except in small cities or towns, where it may be difficult to find suitable men in sufficient numbers to serve on the two bodies, the wisdom of this course is doubtful. To prove this assertion fully it would be necessary to define the duties of art commissions, which, for lack of space, cannot be done adequately here. Briefly, the main duties of such commissions are two in number: they should guide the city in its own work and defend it from the mistaken generosity or egotism of donors, in order that it may not be defaced but adorned in its growth. It is true that beauty is and must be an integral part of construction and not an afterthought; it is true that beauty and fitness for the purposes for which the structure or other improvement is intended cannot be divorced, or either one of them considered separate from location. Nevertheless the type of man who is fitted to serve on an art commission and on a planning commission are widely different, and better results will be obtained where it is possible to keep the two commissions co-operating but separate.

Miscellaneous Powers

In the various planning laws and ordinances commissions are given a variety of specific and limited powers and entrusted with a number of duties, some more or less closely related to planning and others having no particular connection with it. The disadvantages of combining planning and art commissions have already been pointed out. The union of the planning and park boards, as provided for in some laws,[5] is open to the same objection. The planning of the details of parks, and their use and maintenance, is a task which should be entrusted if possible to specialists. Under some laws the commission is given full power in the selection and condemnation of land for certain public purposes, such as parks.[6] This, to the extent that it makes the commission practically the board of public works or the council of the city, is open to the same objections that have been urged to other provisions having such a result. Without citing all the powers of this nature conferred upon planning commissions in the various laws and ordinances,[1] it may be said in general that in so far as possible the duties of the commission should be limited to planning.

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[1] This statement is based upon the examination of the statutes for the preparation and adoption of plans or maps and the appointment of planning commissions cited in the notes and tables of this article; to which the reader desiring to verify it is referred.

[2] Minnesota, 1919, ch. 292.

[3] As, for instance, in the Wisconsin statute, already referred to.

[4] As, for instance, the law for the planning of third-class cities, etc., in New Jersey, printed in full in Text of Selected Statutes below.

[5] Mass. Acts 1915, ch. 165; ordinance, City of Schenectady, New York, approved December 9, 1912; Connecticut Special Laws 1913, no. 351, sec. 10.

[6] Detroit Charter, ch. X, sec. 7 (f); Akron, Ohio, Charter, sec. 102.

Zoning

The duty of preparing and to some extent administering the zoning regulations of cities is of late more and more entrusted to planning commissions. This is planning work which such commissions are well fitted to do. Such a policy tends to unify all branches of planning. To what extent the policy is feasible and how it should be carried out and how aided by the work of other authorities cannot be developed here. Fortunately the subject has just been treated most ably and fully in the "Zoning" supplement to this magazine already referred to.

METROPOLITAN PLANNING

It is a common thing for a city in its growth to overflow into the territory outside its legal limits. Before this occurs it is essential to the best interests of all concerned that this outlying territory, destined in fact if not in law to become a part of the city, should be laid out in conformity with the plan of the city, and to that end it is most desirable that both should be under some common planning authority. This can be brought about completely by a reasonable extension of the city's legal limits, or to some extent by giving the city the power to approve plans for the plotting of extensions or other subdivisions outside and within a certain distance of the city's boundaries. When this outside territory is already more or less thickly populated, and organized into local governments, there is still the possibility and the need of making common plans for the further development of what is sociologically one great city divided by artificial jurisdictional lines. In this case the city boundaries may still be enlarged to take in these communities; but there are many objections to the extension of the planning jurisdiction of the city over local communities which have no voice in the city's government. A third alternative is the creation of a metropolitan planning district, with a planning commission, in which all the local governments are represented, at its head. In this way planning is done as a unit; but in other matters the local communities govern themselves, unless, indeed, there are other activities which these communities find it expedient to exercise in common. There is precedent for such commissions in this country.[2]

Where the metropolitan district consists of many cities and towns, as for instance the districts around Boston, Philadelphia or New York, it is too late to prevent the complexity and confusion which already exist, and also more obviously necessary, as well as difficult, to mitigate their effects and prevent their increase by metropolitan planning. Where the district is in two states the legal difficulty of creating a common authority would not seem to be insuperable. The great need of developing the port of New York as a unit has occasioned the appointment of a joint New York-New Jersey commission, which is proposing the creation of such an authority.[1]

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[1] See Detroit Charter, ch. X, sec. 7 (C); Connecticut Special Laws 1907, no. 61, sec. 5; Minnesota 1919, ch. 292, sec. 3.

[2] In Pennsylvania. The statute is given in full on p. 686.

REGIONAL PLANNING

A city is not complete in itself, but dependent upon the resources of the district in which it is situated, just as that district is dependent upon the city where its interests focus. Quite as important as city planning is the planning of entire regions, with their resources, and the distribution of population and industry with due relation to these resources. There is as yet no provision for the enforcement of any such plan. If made, it would be advisory, and as such, nevertheless, of great value. There is no legal reason why the nation, or state, or any local government within the state, should not make regional plans for the information of its citizens.

COUNTY PLANNING

A county, if its characteristics are those of a metropolitan district, may, and if properly organized for the purpose should, be empowered to do metropolitan planning. In so far as it is not such a district, there is every reason why it should do regional planning. Many features of the county, such as parks, main roads, sewerage and streams, could with advantage be regulated for the common good of all its inhabitants. The county could also encourage local planning within it, and the formation of local planning commissions for the purpose. There are already two such planning commissions in this country, with advisory powers.[2]

STATE PLANNING

In a number of European countries the supervision of the planning of local governments, the supplementing and harmonizing of their plans, and to some extent regional planning, are functions of the central, or of the state government. This function has also been assumed by a number of the provinces of Canada[3] and, to the extent of experimentation, investigation and advice, by the dominion government.[4] In this country one of our states has also created a state planning authority with advisory powers, and bodies with somewhat similar powers exist in other states.[5] The creation of such a department of our national government has also been proposed.[6] State and national planning, nowhere developed as it should be, is more noticeably lacking in the United States, and more needed, perhaps, than in any other country.

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[1] The commission is entitled the "New York, New Jersey Port and Harbor Development Commission," appointed under New York, Laws 1917, ch. 426, and New Jersey, Laws 1917, ch. 130. The reports of this commission contain a draft of the provisions for the creation of a single authority and a brief in defense of its legality.

[2] In New Jersey and New York; see Tables of Statutes below.

[3] This power is exercised by the officer or department having supervision in the particular province, over local government.

[4] Under the Commission of Conservation, created by 8–9 Edward VII, ch. 27 (1909); 9–10 Edward VII, ch. 42 (1910); and 3–4 George V, ch. 12 (1913), Canada.

[5] See tables of statutes and texts of selected statutes below.

[6] The proposal in question, which had the support of many associations and individuals interested in housing and planning, was embodied in a "Bill to create a Bureau of Housing and Living Conditions in the Department of Labor," introduced in the National House of Representatives (66th Cong., 1st sess., July 8, 1919, no. 7014) by Congressman Tinkham of Massachusetts, which failed of passage. That town planning was intended to be included in its scope is indicated by the speech of its introducer (Cong. Record, vol. 58, p. 8913, July 12, 1919). Obviously planning is the proper method of improving housing and living conditions. The Republican national platform, also has come

TABLES OF STATUTES

Planning Commission Laws

City Plan Commissions. Statutes authorizing or requiring the appointment of City Planning Commissions, expressly or impliedly authorize or require a city plan. Such statutes will be found in:

California, 1915, ch. 428, now Gen. L. no. 2389j. The statute applies only to fifth and sixth class cities. Many of the cities of Classes I to IV have charter provisions authorizing the appointment of City Planning Commissions; and they all have the power of adopting home rule charters which shall include such a power.

Connecticut. Many cities and towns have provisions in their charters or are empowered by special statutes to appoint commissions. Any town, city or borough in the state is now authorized to create such a commission. P. A. 1919, ch. 60.

Massachusetts, 1913, ch. 494, as amended 1914, ch. 283, and 1915, ch. 165.

Minnesota, 1919, ch. 292. Under Art. IV, sec. 36 of the State Constitution, cities and villages are also given the right to frame and amend their own charters and therefore to adopt plans and appoint planning commissions.

New Jersey, 1913, chs. 72 and 170; 1915, ch. 188, amended 1916, ch. 175.

New York, 1913, ch. 699, being Art. 12–a of the General Municipal Law.

Ohio Laws, 105–106, p. 455 (1915) being Stats., sec. 4366–1 to 6. Municipalities are also, by home rule provisions, authorized to frame their own charters and may thus obtain permission to adopt maps, appoint planning commissions, etc.

Pennsylvania, 1911, no. 345; 1913, no. 406.

Wisconsin, 1909, ch. 162, amended 1917, ch. 404 now Stats. 959–17 a to j.

Special Laws and Charter Provisions, and Home Rule Powers in many other states authorize municipalities to adopt plans and appoint planning commissions; and many municipalities have taken advantage of these powers.

County Planning Commissions exist in two states:

New Jersey, 1918, ch. 185, Art. XVI.

New York, Westchester County, 1915, ch. 109.

A Metropolitan Planning Commission was appointed for Philadelphia and environs under Pennsylvania, 1913, no. 226; repealed, however, in 1915, thus abolishing the commission.

Advisory Commissions may, as a rule, be appointed without express authority of any sort, and many planning commissions of this sort have been created.

A State Planning Department has been established in Pennsylvania under 1919, no. 34; and the Immigration and Housing Commission of California (Laws 1917, p. 1514, ch. 740) and the Homestead Commission of Massachusetts (Laws 1911, ch. 607, 1913, ch. 595) collect and disseminate planning information. In Massachusetts there is also a Federation of Planning Boards. California has a Capital City Planning Commission. The law is reprinted below.

City Plan Laws

Laws for the appointment of planning commissions usually authorize the preparation and in some cases the

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out in favor of making available to the people the valuable housing and town planning information which the national government has collected during the war and keeping it up to date. This can be done only by the establishment of a housing and planning bureau with advisory power in the United States government.

adoption of a plan; as do the following statutes:

Rev. Stats. Connecticut 1918, sec. 388, 390, 1919, ch. 60. In Pennsylvania every municipality is required to adopt a street plan. Act of 1891, approved May 16, amended 1913, no. 430.

Laws Making Approval of Plats A Prerequisite to Record

Of the many statutes forbidding record of plats, etc., without the approval of the municipality, or other political division in which the land is situated, the following may, perhaps, with the most profit be studied:

California, 1915, ch. 756.

Connecticut, Special Laws 1909, no. 74 (Hartford) and ordinances thereunder.

Minnesota, 1919, ch. 392, sec. 5.

Nebraska, 1917, ch. 87, sec. 3.

New York, 1913, ch. 699 being Gen. Mun. Law., Art. 12–a, sec. 238; 1916, ch. 513 (New York City).

Ohio Gen. Code, sec. 4352.

Oregon, 1919, ch. 311, sec. 8.

Pennsylvania, 1913, no. 430, 1911, no. 345.

Statutes forbidding such record without the approval of the city where the land is situated outside of, or within a certain distance of it (usually three miles) are to be found in the following states:

New York, 1913, ch. 370 (Syracuse).

Ohio Gen. Code, sec. 4346.

Pennsylvania, 1913, no. 406, already referred to.

Virginia, 1918, ch. 419 (15 miles).

Wisconsin, 1909, ch. 162, amended 1917, ch. 404, now Stats. 959–17 a to j ($1\frac{1}{2}$ miles).

TEXT OF SELECTED STATUTES

Commissions for Cities, Towns, etc.

Minnesota

Section 1. *City planning department for Minneapolis; commission and membership.* That an additional executive department in the government of cities of the first class not organized under section 36 of article IV of the state constitution shall be created to be known as the "city planning department" which shall be in charge of a city planning commission, consisting of nine persons. One shall be the mayor of the municipality; the city council, the school board, the park board and the county board of the county in which the municipality is situated shall each select one of its own members, as a member of the commission, in January of each odd numbered year; and four legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the mayor with consent of the city council of the municipality. The first appointments shall be made as soon as practicable after the passage of this act.

The appointed members of the commission shall serve for four years. The first members first appointed by the mayor shall so classify themselves by lot that one of the number shall go out of office at the end of January of the odd year next after their appointment; one at the end of one year thereafter, and one at the end of two years thereafter; and shall certify the result of the classification to the city clerk. Vacancies for any unexpired term shall be filled by appointment as in the first instance.

The members of the commission shall serve without compensation, but the commission may with the consent of the city council employ engineers or other persons and incur such other expenses as are deemed necessary.

The commission shall make and alter rules and regulations for its own organization and procedure. It shall make an annual report to the city council.

The term "city council" means the principal governing body of the municipality.

Sec. 2. *Powers of commission.* The city planning commission shall have power, except as otherwise provided by law:

1. To acquire or prepare a comprehensive city plan for the future physical development and improvement of the city, based primarily upon public utility, convenience and general welfare, which plan shall be known and designated as the official city plan.

2. To prepare and recommend to the proper officers of the municipality, specific plans for public improvements consistent with the comprehensive plan for the city.

3. To recommend to the city council of the

municipality, ordinances regulating the height, location and ground areas of buildings and structures, and ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

SEC. 3. *City council may grant certain powers.* The city council of the municipality may pass ordinances authorizing the city planning department to administer and enforce ordinances relative to city planning.

SEC. 4. *Commission to approve public improvements contemplated.* No public improvements shall be authorized to be constructed in the municipality until the location and design of the same have been approved by the city planning commission, provided in case of disapproval the commission shall communicate its reasons to the city council, or other governing body which has control of the construction of the proposed improvement; and the majority vote of such body shall be sufficient to over-rule such disapproval. If the reasons for disapproval are not given to the city council or other governing body within thirty days after the plans for the public improvements are submitted to the city planning commission, said plan shall be deemed to be approved by the city planning commission, provided that the term "public improvements" shall as herein used include "works of art" as defined in chapter 154, General Laws 1901.

SEC. 5. *Plans, plats, etc., to be submitted to commission for approval or rejection.* All plans, plats, or replats, of land hereafter laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchases or owners of lots fronting thereon, or adjacent thereto, and located within the city limits, shall be submitted to the city planning commission for its approval; and it shall be unlawful to receive or record such plans in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of such plan, plats or replats, by the city planning commission, shall be deemed a refusal by the city of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance by the city of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the city shall have made actual appropriations of the same by entry, use or improvements.

The duty of the city planning commission in accepting or rejecting a plat shall be deemed legislative and discretionary and not administrative.

SEC. 6. This act shall take effect and be in force from and after the date of its passage and approval.

[Laws 1919, ch. 292.]

Approved April 17, 1919.

New Jersey

1. This act may be referred to as the "Municipal Plan and Art Commission Act." It shall apply to all third class cities, fourth class cities, boroughs, towns, townships and incorporated villages of this State (and only to those) which shall accept the provisions of this act as hereinafter stated.

2. Any municipality mentioned in section one of this act may be a majority vote of the mayor and common council, or other similar governing body of whatsoever name called, authorize the appointment of a municipal plan and art commission for such municipality. Such commission shall consist of six men, all of whom shall reside in said municipality, and one of whom may be a member of the common council or other similar governing body of the municipality. The commissioners shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar governing body, as the case may be. Each commissioner shall be appointed for a term of six years, except that when the commission shall be first created, one commissioner shall be appointed for a term of six years, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year, except also, in case of any vacancy occurring in said commission, the vacancy shall be filled for the balance of the unexpired term in each instance as it arises; to the end that such commission shall be maintained as a continuing body with normally one commissioner to be nominated by the mayor and confirmed by the council in each year. In every municipality in which a municipal plan and art commission shall be appointed under the provisions of this act, the mayor or other executive head of such municipality shall also be *ex-officio* a member of such commission during his term of office.

3. After January first, one thousand nine hundred and sixteen, in every municipality mentioned in section one of this act which shall not have constituted a municipal plan and art commission in the manner prescribed in section two of this act, legal voters residing therein in number equaling or exceeding twenty per centum of the votes cast in the last preceding election for municipal officers may, by petition addressed to the clerk of the county in which such municipality is located, call an election of the legal voters of such municipality to vote on the question as to whether such municipality shall have a municipal plan and art commission under the provisions of this act. Such petition, with the execution thereof proven by the oath of one or more witnesses, shall be filed with said county clerk. The election shall be held at the same time as the next succeeding election of members of the General Assembly of the State of New Jersey, following the filing of said petition and by the same election officers. The ballot shall read as follows: and shall be printed on and as a part of the regular official ballot. If a cross mark shall be placed in the square opposite the words "For the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be recorded as in favor of the proposition. If a cross mark shall be placed in the square opposite the words "Against the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be regarded as against the proposition. The result of such election shall be declared by a certificate or certificates signed by the election officers conducting such election and within three days after such election, such certificate or certificates shall be filed with said county clerk, and a duplicate of such certificate or certificates shall within said three days also be filed with the mayor or other head of the governing body of the municipality. If the majority of the votes cast at any election on the question of appointing a commission under the provisions of this act shall be in favor of the appointment of a municipal plan and art commission, such municipal plan and art commission shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar body in such municipality, within sixty days after the date of such election.

	For the appointment of a Municipal Plan and Art Commission to serve without pay.
	Against the appointment of a Municipal Plan and Art Commission to serve without pay.

4. Between December fifteenth and December thirty-first in each year, every such commission appointed under the provisions of this act shall prepare and deliver to the mayor and council or other head of the municipality in which such commission exists, an itemized statement of the amount of money, if any, estimated to be necessary for the work of said commission for the coming calendar year from January first to December thirty-first inclusive, which statement shall be for the information of the mayor and council or other governing body of the municipality, which governing body in its discretion may appropriate in the same manner as other appropriations are made, the amount of such estimate or any portion thereof, and the amount so appropriated shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such municipality shall be assessed, levied and collected.

5. All questions concerning the location or acceptance of any public place, playground, parkway, street, avenue, highway, common, boulevard, square, park, or of the design, acceptance or location of any bridge, viaduct, street or park fixtures or structures, or any public building (including public library) or works of art, proposed to be erected either wholly or partly by public or private funds, for the benefit of the public in such municipality, shall be referred to such commission by the mayor and council or other similar governing body of such municipality for consideration and report before final action shall be taken thereon by the mayor and council or other similar governing body. If no report shall be made by said commission within sixty days after the receipt of such reference by the commission, the mayor and council or other similar governing body, may proceed without a report, as if this law had not been enacted. If a report shall be made by the commission, action by the mayor and council or other similar governing body in harmony with the recommendations of such report, may be taken by a majority vote, but no action by the mayor and council or other similar governing body adverse to the recom-

mendation of such report shall be valid, unless such action shall be taken by a two-thirds vote of the mayor and council or other similar governing body.

The term "works of art" as used in this section, shall apply to and include all monuments, fountains, mural decorations, sculptures, and all structures of a permanent character intended for ornament or commemoration.

This act shall take effect immediately.

Approved April 6, 1915. [Laws 1915, ch. 188.]

The above act has been amended by adding the following:

1. When any municipal plan and art commission appointed under the terms of the act to which this is a supplement determines in its judgment that it is advisable and for the best interests of the city, borough or other municipality in which it is appointed, to prepare plans for the systematic and further development and betterment of such municipality, it shall then be the duty of such municipal plan and art commission to prepare such plans, and in doing so the said municipal plan and art commission may consider and investigate any subject matter tending to the development and betterment of such municipality and make such recommendations as it may deem advisable concerning its government and for any purpose make or cause to be made surveys, plans or maps. It shall have the power and authority to employ experts and clerks and to pay for their services, and to pay for such other expenses as such commission may lawfully incur under the powers hereby granted, including the necessary disbursements incurred by its members in the performance of their duties as members of said commission, provided such disbursements shall have been authorized by such commission; and further provided, that the total amount so expended for all purposes in any one year shall not exceed the appropriation for such year as heretofore provided.

2. This act shall take effect immediately.

Approved March 17, 1916. [Laws 1916, ch. 175.]

New York

SECTION 1. The general municipal law is hereby amended by adding thereto a new article to be numbered twelve-a, to be entitled city and village planning commissions, and to read as follows:

ARTICLE 12-a

City and Village Planning Commission

SEC. 234. Creation, Appointment and Qualifications.
235. Officers, Expenses and Assistance.
236. General Powers.
237. Maps and Recommendations.
238. Private Streets.
239. Rules.
239-a. Construction of Article.

SEC. 234. *Creation, appointment and qualifications.* Each city and incorporated village is hereby authorized and empowered to create a commission to be known as the city or village planning commission. Such commission shall be so created in incorporated villages by resolution of the trustees, in cities by ordinance of the common council, except that in cities of the first class, having more than a million inhabitants, it shall be by resolution of the board of estimate and apportionment or other similar local authority. In cities of the first class such commission shall consist of not more than eleven, in cities of the second class of not more than nine, in cities of the third class and incorporated villages of not more than seven members. Such ordinance or resolution shall specify the public officer or body of said municipality that shall appoint such commissioners, and shall provide that the appointment of as nearly as possible one third of them shall be for a term of one year, one third for a term of two years, and one third for a term of three years; and that at the expiration of such terms, the terms of office of their successors shall be three years; so that the term of office of one third of such commissioners, as nearly as possible, shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than one third of the members of said commission shall hold any other public office in said city or village.

SEC. 235. *Officers, Expenses and Assistance.* The commission shall elect annually a chairman from its own members. It shall have the power and authority to employ experts, clerks, and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the annual appropriation that may be made by said city or village for said commission. The body creating the commission shall by ordinance or resolution provide what compensation, if any, each of such commissioners shall receive for his services as such commissioner. Each city and incorporated village is hereby authorized and empowered to make such appropriation as it may see fit for such expenses and compensation, such appropriations to be made by those officers or bodies in such city or village having charge of the appropriation of the public funds.

SEC. 236. *General Powers.* The body creating such planning commission may, at any time, by ordinance or resolution, provide that the following matters, or any one or more of them, shall be referred for report thereon, to such commission by the board, commission, commissioner or other public officer or officers of said city or village which is the final authority thereon before final action thereon by such authority: the adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street, or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge, statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village. In default of any such ordinance or resolution all of said matters shall be so referred to said planning commission.

The body creating such planning commission may, at any time, by ordinance or resolution, fix the time within which such planning commission shall report upon any matter or class of matters to be referred to it, with or without the further provision that in default of report within the time so fixed, the planning commission shall forfeit the right further to suspend action, as aforesaid with regard to the particular matter upon which it has so defaulted. In default of any such ordinance or resolution, no such action shall be taken until such report is so received, and no adoption, change, fixing or location as aforesaid by said final authority, prior thereto, shall be valid. No ordinance or resolution shall deprive said planning commission of its right or relieve it of its duty, to report, at such time as it deems proper upon any matter at any time referred to it.

This section shall not be construed as intended to limit or impair the power of any art commission, park commission or commissioner, now or hereafter existing by virtue of any provision of law, to refuse consent to the acceptance by any municipality of the gift of any work of art to said municipality, without reference of the matter, by reason of its proposed location or otherwise, to said planning commission. Nor shall this section be construed as intended to limit or impair any other power of any such art commission or affect the same, except in so far as it provides for reference or report, or both, on any matter before final action thereon by said art commission.

SEC. 237. *Maps and Recommendations.* Such planning commission may cause to be made a map or maps of said city or village or any portion thereof, or of any land outside the limits of said city or village so near or so related thereto that in the opinion of said planning commission it should be so mapped. Such plans may show not only such matters as by law have been or may be referred to the planning commission, but also any and all matters and things with relation to the plan of said city or village which to said planning commission seem necessary and proper. Including recommendations and changes suggested by it; and any report at any time made, may include any of the above. Such planning commission may obtain expert assistance in the making of any such maps or reports, or in the investigations necessary and proper with relation thereto.

SEC. 238. *Private Streets.* The body creating such planning commission may at any time, by ordinance or resolution provide that no plan, plot or description, showing the layout of any highway or street upon private property, or of building lots in connection with or in relation to such highway or street shall, within the limits of any municipality having a planning commission, as aforesaid, be received for record in the office of the clerk of the county where such real property is situated, until a copy of said plan, plot or description has been filed with said commission and it has certified, with relation thereto, its approval thereof. Such certificate shall be recorded as a part of the record of said original instrument containing said plan, plot or description. No such street or highway which has not received the approval of the planning commission shall be accepted by said city or village until the matter has been referred to such commission under the provision of section two hundred and thirty-six of this article. But if any such street is plotted or laid out in accordance with the map of said municipality, adopted according to law, then it shall not be necessary to file such copy, or obtain or record such certificate.

Sec. 239. *Rules.* Such commission may make rules not contrary to law, to govern its action in carrying out the provisions of this article.

Sec. 239-a. *Construction of Article.* This article shall be construed as the grant of additional power and authority to cities and incorporated villages, and not as intended to limit or impair any existing power or authority of any city or village.

Any city or incorporated village in order to appoint a planning commission under this article shall recite, in the ordinance or resolution so creating the commission, the fact that it is created under this article.

Sec. 2. This act shall take effect immediately.

[Laws 1913, ch. 699.]

Ohio

Statutes, Sec. 4366–1. The council of each municipality may establish a city planning commission, consisting of seven members, the mayor, the service director, the president of the board of park commissioners, and four citizens of the municipality, who shall serve without compensation, and who shall be appointed by the mayor for a term of six years, except that the term of two of the members of the first commission shall be for three years. Whenever such a commission is appointed, it shall have all the powers conferred in section 4344 of the General Code.

Sec. 4366–2. The powers and duties of the commission shall be to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commissions' recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public grounds or public improvements; and the removal, relocation, widening or extension of such public works then existing, with a view to the systematic planning of the municipalities, the commission may make recommendations to the mayor, council, and department heads concerning the location of streets, transportation and communication facilities, public buildings and grounds. The commission shall have the power to control, preserve and care for historical landmarks; to control in the manner provided by ordinance the design and location of statuary and other works of art, which are or may become the property of the municipality; and the removal, relocation and alteration of any such works belonging to the municipality; and the design of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances. Whenever the commission shall have made a plan of the municipality, or any portion thereof, no public building, street, boulevard, parkway, park, playground, public ground, canal, river-front, harbor, dock, wharf, bridge, viaduct, tunnel, utility (whether publicly or privately owned) or part thereof shall be constructed or authorized to be constructed in the municipality of said planned portion of the municipality until and unless the location thereof shall be approved by the commission; provided that in case of disapproval the commission shall communicate its reasons for disapproval to council, and the department head of the department which has control of the construction of the proposed improvement or utility; and council, by a vote of not less than two-thirds of its members and such department head shall together have the power to overrule such disapproval. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled. The commission may make recommendations to any public authorities or to any corporations or individuals in such municipality or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.

Sec. 4366–3. The municipal planning commission shall be the platting commission of the municipality, and all the powers and duties provided by law for platting commissioner or commissioners of municipalities shall upon the appointment of a municipal planning commission under this act, be deemed transferred to such commission.

Sec. 4366–4. Council may authorize the commission to control the height, design and location of buildings.

Sec. 4366-5. The commission shall have power to control, appoint or employ such architects, engineers and other professional service, and to appoint such clerks, draughtsmen and other subordinates as it shall deem necessary for the performance of its functions; the expenditures for such service and employments to be within the amounts appropriated for such persons by the council of the municipality; and council shall provide for the expenses and accommodations necessary for the work of the commission.

Sec. 4366-6. This act shall take effect and be in force January 1, 1916.

Approved June 2nd, 1915.

Charter of City of Cleveland

Sec. 77. There shall be a city plan commission to be appointed by the mayor with power to control, in the manner provided by ordinance, the design and location of works of art which are, or may become, the property of the city; the plan, design and location of public buildings, harbors, bridges, viaducts, street fixtures and other structures and appurtenances; the removal, relocation and alteration of any such works belonging to the city; the location, extension and platting of streets, parks and other public places, and of new areas; and the preparation of plans for the future physical development and improvement of the city.

Ordinance of City of Cleveland

Sec. 4. Hereafter no public building, harbor, bridge, viaduct, street fixture, or other structure or appurtenance shall be located, constructed, erected, renewed, relocated, or altered until and unless such plan, design or location shall have been submitted to and approved by the commission; and no such work when completed shall be accepted by the city until and unless it shall have been approved by the commission as provided in sec. 77 of the City Charter.

Pennsylvania

Sec. 5. All plans, plots, or replots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits of a city of the third class or for a distance of three miles outside thereof, shall be submitted to the city planning commission and approved by it before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of any such plans by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement. No sewer, water, or gas-main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in this section, may conflict with the zone of similar character connected with another city of the third class, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality.

Approved the 16th day of July, A. D. 1913. [Laws 1913, no. 406.]

Metropolitan Commissions

Massachusetts

In 1911, Massachusetts (Acts and Resolves, ch. 84) caused an investigation to be made as to the desirability of appointing a planning commission for the Metropolitan District of Boston and its vicinity, a report of which was made to the legislature of the state in 1912 (House Report No. 1615). That report recommended the appointment of such a commission and transmitted with its report a draft of an act (never passed) for that purpose, which is as follows:

Section 1. The governor, by and with the consent of the council, shall appoint three persons, and the mayor of Boston shall appoint two persons, who shall constitute a board to be known as the Metropolitan Planning Board. The members of said board shall hold office for terms of five years each beginning with the first Monday in May in the year nineteen hundred and twelve. Upon the expiration of the terms of the members so first appointed the governor shall appoint three members, one to serve for five years, one for three years and one for one year, and the mayor shall appoint two members, one to serve for four years and one for two years. Thereafter the respective appointments by the governor and mayor shall be for terms of five years. The governor shall appoint the chairman of the said board.

Sec. 2. The jurisdiction and powers of said board shall extend to and may be exercised in the cities of Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Newton, Quincy, Somerville, Waltham, and Woburn, and in the towns of Arlington, Belmont, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Hingham, Hull, Milton, Nahant, Needham, Revere, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, and Winthrop, and the said cities and towns together with any others that may be included by subsequent legislation shall constitute the metropolitan district within the meaning of this act.

Sec. 3. Except as hereinafter expressly provided nothing in this act shall be construed as affecting the powers now vested by law in any public authority.

Sec. 4. Duties and powers of the said board:

A. It shall be the duty of the said board to make or obtain surveys of the metropolitan district as herein defined, and for the purpose of making such surveys it shall have the right to do all reasonable and necessary acts.

B. It shall be the duty of the said board to make a comprehensive plan or series of plans for the present and probable future requirements of the metropolitan district in respect to a system of traffic thoroughfares and other main highways, transportation facilities of every sort suitably co-ordinated, sites for public buildings, parks, playgrounds and other public uses, and any and all public improvements tending to the advantage of the metropolitan district as a place of business and of residence.

C. It shall be the duty of the said board to study and, in its discretion, it may recommend such legislation applicable to the metropolitan district as will facilitate the prevention and relief of congestion of population and of traffic, the better control of fire hazard, the better distribution of areas and of buildings for the purposes of residence, manufacturing, trade and transportation, the preservation of the natural and historic features of the district, the beautifying thereof, the co-ordination of transportation facilities, the best method of financing and assessing the cost of public improvements or any other matter relating to a co-ordinated civic development within the said metropolitan district.

D. It shall be the duty of the said board to examine and make public reports upon all plans directly affecting the metropolitan district or more than one city or town therein made under authority of law, and for the purpose of such examination it shall be the duty of any existing public authority before making any contract or agreement for the execution of plans of character aforesaid for any public improvements within the metropolitan district to inform the Metropolitan Planning Board as to such plans and give the said board reasonable opportunity for examining the same. The said reports may specifically approve or disapprove of said plans in whole or in part as the said board may by its examination determine, and shall state the reasons for such approval or disapproval. Wherever it is possible and desirable to effect a co-ordination of the plans for improvements within the said metropolitan district of two or more agencies, whether now existing or hereafter created and with local or general jurisdiction, it shall be the duty of the said board to seek to effect such a co-ordination.

E. If in the opinion of the said board any plan for a public improvement proposed for execution by the legally constituted authority in any county, city or town within the district conflicts with some existing or proposed public improvement of metropolitan character the board shall so inform the executive of the said county, city or town, whereupon the said county, city or town may abandon the proposed improvement, or shall execute the same in accordance with the plan of the said Metropolitan Planning Board, or shall postpone action upon the question of execution for not less than one year, after which such lawful action may be taken as the said county, city or town through its legally constituted authority may deem expedient.

F. The said board shall have the power when so requested by the authorities of any county, city or town within the said metropolitan district to furnish assistance for the making of plans or specifications or the supervision of the execution of public works at the cost of such assistance or supervision.

G. The board may place the question of the execution of any given metropolitan improvement within the limits of the metropolitan district before the government of each political unit in which such improvement is physically situated, and before any succeeding government in its discretion. It shall present estimates of cost with any plans for improvements whenever the question of execution is placed before public authorities. Every proposed improvement or any part thereof when accepted by the government of the municipal unit in which it is situated, or by any other constituted authority having power to make such improvement, or part thereof, shall be executed by such government or authority whether now existing or hereafter created.

Sec. 5. The approval by the board of any plan or plans accepted by municipal authorities or boards of county commissioners or submitted to said Metropolitan Planning Board as hereinbefore provided, may in set terms designate and classify the improvements therein shown or any portion of them as ordinary or extraordinary metropolitan improvements. The cost of ordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: sixty-five per cent by the municipality or municipalities in which the improvement is physically situated; twenty-five per cent by the remaining cities and towns constituting the said district in proportions determined by the commission appointed by the supreme judicial court as hereinafter provided and ten per cent by the commonwealth. The cost of extraordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: such proportion thereof, not exceeding sixty-five per cent, as may be determined by the said commission appointed by the supreme judicial court as aforesaid, by the municipality or municipalities in which the improvement is physically situated; such amount, not less than twenty-five per cent thereof, as may be determined by the aforesaid commission by the remaining cities and towns constituting the said district, in proportions determined as aforesaid and ten per cent by the commonwealth.

Sec. 6. To meet the cost of the improvements executed in accordance with the provisions of this act, the treasurer and receiver general shall upon application of the Metropolitan Planning Board, issue scrip or certificates of debt in the name and on behalf of the commonwealth and under its seal to the amount annually necessary for five years from the date of the first of such applications. In no one year shall the proportion to be paid by the commonwealth as its part in the expenses authorized by section five of this act exceed five hundred thousand dollars and the amount of scrip or certificates of debt issued in any one year as aforesaid shall be limited accordingly. All loans issued by the commonwealth in accordance herewith shall be serial loans and shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Planning Board Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States; and said scrip or certificates of debt shall be sold and disposed of at public auction or in such other mode and at such times and prices, and in such amounts and at such rates of interest as the governor and council shall deem best. Any premium realized on the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Sec. 7. The supreme judicial court sitting in equity shall in the year nineteen hundred and twelve and every year thereafter on the application of the Metropolitan Planning Board, or of the attorney of any of the cities or towns in the metropolitan district, and after notice to each of said cities and towns, appoint three commissioners, neither of whom shall be a resident of any of said cities or towns, who shall, after such notice and hearing as they shall deem just and equitable, determine the proportions in which each of said cities and towns shall pay money into the treasury of the commonwealth for the year following that in which the application is made to meet the interest, serial loan requirements, expenses, including the expenses of administration, and cost for such year. Said commission shall make such apportionment on or before the first day of March in each year. The said commissioners shall determine the several amounts to be paid by the cities and towns of the metropolitan district other than those in which ordinary or extraordinary improvements are situated to the aggregate amount of twenty-five per cent of the total cost of improvements classified as ordinary. In the case of improvements classified as extraordinary, they shall also determine how far, if at all the proportion of the total cost of such improvements to be paid by the municipalities in which they are physically situated shall be reduced below sixty-five per cent and correspondingly increased as regards some or all of the remaining municipalities comprising the metropolitan district. The proportion to be ultimately payable by the commonwealth shall be ten per cent of the total cost whether for ordinary or extraordinary improvements. The amounts severally to be paid by the separate municipalities shall be apportioned by the said commissioners on the basis of benefit in each case and with due account of population, valuation and any other thing which, in the opinion of the said commission, should affect the said proportional contributions: *provided, however,* that nothing herein shall be construed to change the apportionment of the cost for public improvements to which the commonwealth already contributes under existing laws.[1]

Sec. 8. Said board may appoint such office and technical assistants as it seems necessary to carry out the purposes of this act. It shall determine the duties and compensations of such appointees and remove them at pleasure. It shall be supplied with a suitable office or offices for its work and for its maps, plans, documents and records. The chairman of the said board shall receive a salary of ten thousand dollars a year and each of the other four members thereof shall receive a salary of one thousand dollars a year. The salaries of the commissioners and their appointees and the expenses of administration shall be paid from the treasury of the commonwealth and shall be thereafter assessed ninety per cent thereof upon the cities and towns of the metropolitan district as herein defined in proportions to be determined by a commission appointed by the supreme judicial court sitting in equity as hereinbefore provided and ten per cent by the commonwealth. On or before the second Wednesday of January in each year said board shall make a report in print of its proceedings to the general court together with a full statement of its receipts and disbursements, and the said board may make such additional reports in print or otherwise from time to time as it may deem expedient.

Sec. 9. The treasurer of the commonwealth shall in the year nineteen hundred and twelve and in each year thereafter estimate, in accordance with the proportions determined and returned as aforesaid, the several amounts required during the year beginning with the first day of January from the cities and towns aforesaid, to meet said interest, serial loan requirements, salaries, expenses, including expenses of administration and cost for each year, and deficiency, if any, and shall include the amount required from a city or town in, and make it a part of, the sum to be paid by such city or town as its annual state tax and the same shall be paid by the city or town into the treasury of the commonwealth at the time required for the payment, and as a part of its state tax.

Sec. 10. This act shall take effect upon its passage so far as it affects the appointment of the members of the Metropolitan Planning Board and in all other respects this act shall take effect on the first day of   , nineteen hundred and twelve.

Pennsylvania

Whereas, The establishment of Suburban Metropolitan Planning Commissions having jurisdiction over territory adjacent to cities of the first class is desirable, in order to provide for its proper development by the co-operation of the various local governmental units in matters pertaining to their common welfare; and

Whereas, It is desirable, that there should be co-ordination of effort with Urban Metropolitan Planning Commissions, relating to cities of the first class themselves, wherever the same may exist:

Section 1. Be it enacted, etc., That in order to secure co-ordinated, comprehensive plans of highways and roads, parks and parkways, and all other means of inter-communication, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation and health playgrounds, civic centers, and other public improvements, as hereinafter provided for, the districts surrounding and within twenty-five miles of the limits of cities of the first class, whether in one or more counties, and in order to prevent waste by unnecessary duplication, the areas included within twenty-five miles of the limits of cities of the first class shall be denominated the Suburban Metropolitan Districts of cities of the first class of Pennsylvania. When any city, borough or township is partly within and partly without the twenty-five mile limit, the whole of such city, borough, or township shall be regarded as within the Suburban Metropolitan District.

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[1] A study of the apportionment of assessments according to benefits, between the city as a whole, the various boroughs of the city, and the land owners, will reveal some analogy between it and the apportionment here suggested. See Charter, sec. 972–973 (in New York City).

Sec. 2. There shall be an executive department created for every Suburban Metropolitan District, to be known as the Department of Suburban Metropolitan Planning, which shall be in charge of a Suburban Metropolitan Planning Commission.

Sec. 3. The Suburban Metropolitan Planning Commission shall be appointed by the Governor of the State of Pennsylvania, and shall consist of fifteen members, who may or may not hold other public office, whether for profit or otherwise, of whom twelve shall be residents of the district involved, and three shall be residents of the said city of the first class, five members to be appointed to serve for one year, five for two years, five for three years; then, thereafter, each appointment to be for three years.

An appointment to fill a casual vacancy shall be for the unexpired portion of the term. Nine shall constitute a quorum.

The Suburban Metropolitan Planning Commission shall make and alter rules and regulations for its own organization and procedure, consistent with the laws of the Commonwealth. From its own members it shall choose a chairman and vice-chairman. Each member shall serve without compensation. On or before January tenth of each and every year, the commission shall make to the mayor of each city, to councils of each borough, to the commissioners of each first class township, and to the supervisors of each second class township, within the Suburban Metropolitan District, to the mayor of the said city of the first class, and to the Governor of the State of Pennsylvania, a report of its transactions and recommendations. The commission may employ a secretary, engineers, and other experts and persons, whose salaries and wages, as well as all the other necessary expenses of the commission and members thereof, shall be provided for as hereinafter set forth.

Sec. 4. The Suburban Metropolitan Planning Commission shall make, or cause to be made, and laid before the respective governmental authorities of the district, and, in its discretion, cause to be published, a map or maps of the entire district, or any portion or portions thereof, showing any or all systems of transportation, highways and roads, parks, parkways, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation, playgrounds and civic centers, or of other natural physical features of the district: and it shall prepare plans for any new or enlarged facilities for intercommunication, parks, parkways, water-supply systems, sewers, sewage disposal, garbage disposal, land plottings and housing arrangements, playgrounds and civic centers, or any other public improvement that will affect the character of the district as a whole, or more than one political unit within the district, or any widening, extension or relocation of the same, or any change in the existing township or borough or city plans, by it deemed advisable. And it shall make recommendations to the respective governmental authorities, from time to time, concerning any such matters or things aforesaid, for action by the respective legislative, administrative, or governmental bodies thereon; and in so doing have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets, and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use, and the planning, subdivision and laying out for urban uses of private grounds brought into the market from time to time.

Sec. 5. Any city, borough, or township, within any Suburban Metropolitan District, may request the Suburban Metropolitan Planning Commission of that district to prepare plans concerning any of the subjects set forth in section four of this act; whereupon it shall be the duty of the Commission to prepare such plans with dispatch.

Sec. 6. The Suburban Metropolitan Planning Commission may make recommendations to any public authorities or any corporation or individual in said districts, with reference to the location of any buildings and structures to be constructed by them.

Sec. 7. The plans so made and laid before the respective governmental authorities by the Suburban Metropolitan District Planning Commission, according to sections four, five and six, shall be considered by such respective authorities, and followed by them in so far as shall be determined by each authority: *provided, however*, that the provisions of this act shall not abridge or in any way affect the provisions of an act, entitled "An act creating a Department of Health and defining its powers and duties," approved the twenty-seventh day of April, Anno Domini, one thousand nine hundred and five; or the provisions of an act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five.

Sec. 8. On or before January tenth of each and every year, the commission shall prepare an estimate of its expenses for the ensuing year, setting forth with as much detail as is practicable the items of which such estimate is composed; and shall cause the amount of its expenses so estimated, after deducting the cash on hand and the unpaid assessments, to be assessed against the cities, boroughs, and townships within the district, in proportion to their respective tax duplicates. The itemized estimate of expenses and a statement of the rate of assessment shall be spread upon the minutes of the Commission, which shall be kept open at all times for public inspection. Each and every assessment, when certified by the chairman and secretary of the commission, shall constitute a charge on the treasury of the respective city, borough, and township, and its immediate payment shall be at once provided for. The commission shall have power to secure payment of the assessment by suits of mandamus, or otherwise; *provided*, that the rate of assessment shall not exceed one-tenth of one mill.

Approved the 23d day of May, A. D. 1913. [Laws 1913, No. 226, repealed in 1915.]

County Commission

New Jersey, Laws 1918, Chapter 185, Art. XVI:

Sec. 1601. Every board of chosen freeholders shall have power to prepare and adopt a plan for the betterment and the systematic development of the county, and shall have power and authority to employ experts and to pay for their services, and to pay such other expenses as may be necessary for the making of such plan.

Sec. 1602. Every board of chosen freeholders may, by resolution, provide for the establishment of a commission consisting of not more than seven citizens of such county to act as a county plan commission. Such commission, if established, shall have all the power and authority conferred upon boards of chosen freeholders by this article, except that the said commission may expend only such sums as may be appropriated for such purpose by the board of chosen freeholders.

Sec. 1603. Every board of chosen freeholders adopting any such plan, or any county plan commission appointed hereunder, shall endeavor to cause all municipalities within the county, and adjoining it, to co-operate in the laying out of roads and boulevards and in the betterment and the systematic development of the county.

Capital City Commission

California

Section 1. There shall be a state capital planning commission composed of the governor, and state librarian, *ex-officio* members, and three members to be appointed by the governor, at least one of whom shall be a recognized expert in the planning of cities and towns. Appointive members of this commission shall serve without pay and shall hold office in the first instance for terms respectively for two years, four years, and six years and until their successors have been appointed and qualified. Their successors shall serve for terms of six years each and appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Three shall be a quorum. They may make and alter rules and regulations for their own procedure consistent with the laws of the state. They shall consider all matters in city planning affecting the future needs of the state and the relation of the state plans to those of the capital city.

Sec. 2. They shall confer and advise with the city planning body of the capital city concerning all matters affecting the metropolitan district in and about the said capital city and for a distance within fifteen miles outside the corporate limits of the said city. They shall make recommendations to the governing bodies of all political units within this area and to the governor with regards to all matters of interest to the state in and concerning its capital city with reference to its system of roads, boulevards and thoroughfares, street railway systems, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, or of other natural or artificial physical features of the district, and of location proposed by it for any new or enlarged thoroughfares, street railway system, union depot, parks, parkways, playgrounds, water supply systems, sewers, sewage disposal plant, garbage disposal plant and civic centers, or any other public improvement that will affect the character of the district as a whole, to political units within the district. It may make recommendations to the state, city or district governmental authorities, from time to time concerning any such matters or things aforesaid for action by the respective legislative, administrative or governing bodies thereof. In so doing they shall have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets and railways, waterways, and all other means of public travel and business communication, as well as the distribution and relative location of all public buildings, public grounds and open spaces devoted to the public use, and the planning and laying out for urban uses of private grounds brought into the market from time to time.

Sec. 3. The state capital planning commission shall make an annual report to the governor which the secretary of state shall cause to be printed as a public document and copies of this report shall be filed with each and every governing body in the district under supervision.

[Statutes 1915, p. 1514.]

State Planning Bureau

Pennsylvania

Section 1. Be it enacted, etc., That the Secretary of Internal Affairs shall establish in the said Department of Internal Affairs a Bureau of Municipalities. The said bureau shall gather, classify, index, make available, and disseminate data, statistical information, and advice that may be helpful in improving the methods of administration and municipal development in the several municipalities of the commonwealth; and shall maintain, for the benefit of the municipalities, a publicity service to install or assist in the installation and establishment of modern systems of accounting in the various municipalities of the state, and in order to promote a comprehensive plan or series of plans for the probable future requirements of cities, boroughs, or townships of the commonwealth, either separately or jointly, in respect to a system of traffic thoroughfares and other highways or main highways, transportation of every sort, suitably co-ordinated sites for public buildings, parks, parkways, playgrounds, and other public uses, the preservation of natural and historic features, and any and all public improvements tending to the advantage of municipalities or townships affected, tending to their advantage as a place of business and residence, and to either make or secure or assist in making or securing the necessary surveys, plans, and information.

Sec. 2. The Secretary of Internal Affairs is hereby authorized to employ a Chief of Bureau of Municipalities, who, in his judgment shall be qualified to perform the duties herein described. He is also authorized to employ such engineering, accounting, clerical, stenographic, and other expert service, relating to the gathering of information, its distribution and publication and other duties incident to the purpose of the bureau, or transfer to such duties in this bureau as he may find advisable the work and services of other bureaus or of others employed in the Department. The salaries of the employes appointed under the provisions of this act shall be fixed by the Secretary of Internal Affairs, and shall be paid from the funds appropriated to the said Department of Internal Affairs.

Sec. 3. It is hereby made the duty of every city, borough, township, or county official, to furnish such information as may be requested by the Chief of the Bureau of Municipalities or his duly authorized deputy.

Sec. 4. The act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and eighty-nine), entitled "An act creating a division of Municipal Statistics and Information in the Department of Labor and Industry, and fixing the compensation of officers and employes therein," as amended by the act of July nineteenth, nineteen hundred and seventeen (Pamphlet Laws, one thousand one hundred and eleven), is hereby repealed.

SEC. 5. This act shall become effective on the sixth day of May, Anno Domini nineteen hundred and nineteen.

Approved the 4th day of April, A. D. 1919. [Laws 1919, No. 34.]

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III. Magazine Articles

The following articles in the American City:

Public Control, by Frank B. Williams, vol. 12, p. 470, 13, p. 24, being Chapter III of City Planning, edited by John Nolen, referred to under subdivision 1, above.

Art Commissions and City Planning, vol. 10, p. 117.

Should Legislation Precede City Planning, vol. 12, p. 230.

NATIONAL MUNICIPAL REVIEW

Vol. IX, No. 11 NOVEMBER, 1920 Total No. 53

VIEWS AND REVIEWS

I

The twenty-sixth annual meeting of the National Municipal League will be held at Indianapolis, November 17, 18 and 19. Headquarters will at be the Claypool Hotel. We go to Indianapolis as the guests of the chamber of commerce. Robert E. Tracy, director of the research division of that body is acting for the committee on arrangements.

The Governmental Research Conference and the National Association of Civic Secretaries will meet at the same time and place. The Indiana Municipal League and the Indiana Commercial Secretaries' Association will hold joint sessions with us.

II

The progress report of the committee to draft a model state constitution is published in this number. It will be formally presented at the Indianapolis meeting for debate and further advisory voting. In the meantime give it some study and come to Indianapolis ready to agree or disagree with the committee's proposals as your intellect guides you.

The progress report covers the so-called structure of government. While not accepting the state manager idea, some of its proposals are radical enough to insure good fighting for years. The outstanding features are an elected governor, a single-chamber legislature elected for four years under proportional representation, and a legislative council, chosen by the legislature as a permanent standing committee or cabinet. The legislative council is designed to furnish much needed leadership in legislation and to exercise on behalf of the legislature proper supervision over administrative affairs. The governor is given sole power of appointment and removal of department heads. They are to have seats in the legislature and will naturally develop close working relations with the leaders of that body now publicly recognized by virtue of their position on the council. The plan looks to greater harmony, more elastic administrative powers plus closer scrutiny and sharper responsibility. It also recognizes that legislation as well as administration is an all year job.

The state manager advocates have never acknowledged final defeat, although outvoted at Cleveland last year. Their retreat, if they ever did retreat, was for strategic purposes purely. Come to Indianapolis and help settle this question.

III

We clip the following from a Philadelphia newspaper:

> A city government cannot be depended upon to reform itself. Reform usually comes by pressure from without, not by explosion from within. Municipal home rule may come hereafter. It is a vision of perfection.

Distrust of our rulers is common enough, but distrust of our neighbors is indeed serious. Of course we can pack up and move but there is no guarantee that our new neighbors will be less indecent than the old. With all due sympathy to Philadelphia we submit that relief from the "local power that dominates its elections" cannot be gained by continuing the present minute oversight of the state legislature. Philadelphia cannot ride to glory on the wings of the virtuous legislators from up-state. When the "local power that dominates" goes to the legislature for strength and support, up-state virtue dissolves in thin air. A free judgment is as necessary to the community as to the individual if upstanding personality is to be developed. Over-centralization in government, as in business, means apoplexy at the brain with atrophy in the parts.

IV

Announcement has been made by the director of the census that the financial statistics of cities and states will not be collected and compiled for the fiscal year 1920. The reason given is the heavy pressure of work imposed on a limited staff by the fourteenth decennial census.

While appreciating fully the position in which the director of the census finds himself, and realizing the varying opinions as to the value of the financial statistics in the past, we submit two propositions: First, the financial difficulties enmeshing our cities to-day make it imperative that we have all possible data at hand for their solution. Second, this fact should be impressed upon all concerned, including Congress, to the end that the 1920 statistics be published, late if need be; and that steps may be taken to improve the form and content of such statistics in the future, that they may be made increasingly useful.

V

Sixty-one honest men (two women and fifty-nine men to be accurate) located and made members of the league during September! Sixty-one out of the 1,000 wanted, not bad considering Diogenes stumbled on them in the dark before the October Review was in your hands and your discriminating glance had a chance to light him on his way.

That sixty-one honest men interested in sound government methods can be stumbled on in the dark speaks well for the country and for the early realization (when you shed your light abroad and start sending in the names and addresses of those you have found) of the thousand members wanted.

If you have not yet sent in your list send it along now and give us a chance to test it out, and incidentally to test out the civic spirit of your friends.

We sincerely welcome the sixty-one public spirited men and women who joined our ranks during September and we suggest that they join our hunt for those who may make up the 939 new members wanted.

In December we will report first, new members secured during October; second, the number of lists of good "prospects." Third, the "Diogenic" quality of your discrimination.

TWENTY-SIXTH ANNUAL MEETING OF THE NATIONAL MUNICIPAL LEAGUE

INDIANAPOLIS, INDIANA, NOVEMBER 17, 18 AND 19

HEADQUARTERS, CLAYPOOL HOTEL

PROGRAM

Wednesday, November 17—

10.00 A. M. Service at Cost for Street Railways—Panacea or Nostrum. By representatives of cities which are trying it.
Joint session with the Indiana Municipal League.

1.00 P. M. Luncheon—The Crisis in Civil Service.
Joint session with the Governmental Research Conference.

6.30 P. M. Informal Dinner—Business meeting—Election of Officers and Council.
Progress Report of Committee on Model State Constitution, with advisory voting.

Thursday, November 18—

10.00 A. M. How the City Manager Plan Works—The Latest Evidence.
Joint session with the Indiana Commercial Secretaries' Association.
Dr. A. R. Hatton; City Managers: Ashburner, Freeman, Osborn and others.

1.00 P. M. Luncheon—Methods whereby Civic Organizations Influence Elections.
Joint session with the National Association of Civic Secretaries. A frank comparison of experience.

6.30 P. M. Dinner—The Fate of the Direct Primary.
Governor James P. Goodrich presiding.
Presidential address—Hon. Charles E. Hughes.
Address—Prof. C. E. Merriam.
Report of Committee on Electoral Reform—Dr. Ralph S. Boots.

Friday, November 19—

10.00 A. M. Government Aids to Housing.
Legislative efforts to fix rents; Canadian government loans; the North Dakota Home Building Association; the proposed Federal mortgage bank.

12.30 P. M. Joint Luncheon with Indianapolis Chamber of Commerce.

2.30 P. M. Metropolitan Areas; City-County Consolidation.
Round Table Session with the National Association of Civic Secretaries.

PHILADELPHIA'S NEW COUNCIL

BY F. P. GRUENBERG

Director, Philadelphia Bureau of Municipal Research

The new, single chamber body shows creditable improvement over the old bicameral system. :: :: :: :: :: ::

No supporter of Philadelphia's new charter, however zealous, will go so far as to assert that the new small council has quite come up to all the fond hopes held out for it, but it is equally undeniable that the new chamber has shown itself to be vastly superior to the old arrangement.

Instead of two chambers with an aggregate membership of 145 there is a single body of 21; instead of unsalaried members often holding clerkships or offices in the county departments there is now a salary of $5,000 for each councilman with a charter prohibition against dual office holding.

Those who express disappointment attribute it to the personnel, making much of the fact that 14 of the 21 were members of the old discredited councils. They also assert that very few of the entire number can be held out as the moral or intellectual type that was glowingly described during the charter campaign as the kind of councilman Philadelphia would get.

The old councils were composed very largely of ward and division political leaders, and the sudden reduction in the membership produced rather better qualitative results than might reasonably have been expected. Now that the step has been taken and the minor political fry have either been otherwise rewarded or have been eliminated, there is every reason to be optimistic as to the public's insistence in the future on better candidates for council.

Unfortunately, the more reactionary newspapers and the professional politicians have made a great deal of capital out of the shortcomings of the new council and have shown no enthusiasm for its very substantial gains over the old system. They naturally are tempted by the human weakness for saying "I told you so."

In fact, the new council is a great improvement. Not only is it simpler and more business-like in theory, but it actually functions better in practice. For instance, it is significant that the attendance record is now virtually perfect, the rare absences usually being due to serious illness. It is noteworthy, too, that the important committees are almost always up-to-date in their work.

Another gain is that the sessions of the council are more frequent and that a special session is called when necessary without hesitation.

The meetings themselves are less perfunctory and there is real deliberation and often genuine debate, neither of which was so much as attempted in the old unwieldy body.

There is still a tendency to follow the "bell-wether" on roll calls, though there is less of this than of yore. Each councilman signifies now, and it is easy for reporters and citizens in the gallery to observe what goes on during the sessions.

The millenium has not yet been achieved in municipal affairs through reorganizing Philadelphia's council, to be sure, but a distinct step forward has been taken.

WINNIPEG TRIES PROPORTIONAL REPRESENTATION

BY D. B. HARKNESS, M.A.

General Secretary, Social Service Council of Manitoba

Proportional Representation was first used in Winnipeg at the recent election of members of the provincial legislature. It returned representative members where the two party system had broken down ::

In the recent election of members to the legislature of the province of Manitoba the proportional representation system was used in the city of Winnipeg. The whole of the city area was made one constituency with the right to elect ten members to the legislative assembly.

In all, forty-one candidates were nominated. Ten nominees carried the banner of the Norris government. There were ten Conservative candidates, and ten Labor candidates.

In addition to these eleven independents representing various and diverse attitudes of mind also sought election.

When the first count was completed it was found that there were 47,427 good ballots. It may be noted in passing that the total vote cast was 48,246 of which 819 ballots were rejected. The quota was 4,312.

Two candidates were elected on the first count. One was elected on the second count. The fourth candidate was elected on the thirty-first count. The fifth on the thirty-second count. The sixth and seventh were elected on the thirty-third count, and the eighth, ninth, and tenth were elected on the thirty-seventh count. An analysis of the votes of the first count shows Labor with 20,167 being 42.5 per cent of the total. Norris government candidates show first counts totaling 14,423 or 30.4 per cent. Conservative candidates 6,475 being 13.7 per cent. Independent candidates 6,362 or 13.4 per cent.

An outstanding feature of the first count was the heavy vote in favor of F.J. Dixon, the labor leader. His first counts total 11,586, being 7,274 more than he needed. The only other elected on the first count was Honorable T. H. Johnson, attorney general of the Norris government. Mr. Johnson had, however, a surplus of less than 100 votes. When the second choices of Mr. Dixon's surplus were distributed it was found that every other candidate in the running appeared among the second choices of his ballots. The second choices of the 11,586 ballots on which Dixon was first choice were distributed as follows:

For Labor candidates	10,075
For Norris government candidates	368
For Conservative candidates	310
For Independent candidates	766
Non-transferable	67

This tendency to break down party lines came out constantly in the counts. For instance when the votes credited to Christie, a Conservative candidate, were transferred, it was found that 33 went to Labor candidates, 145 to Norris government candidates, and 157 to Independent candidates, while 1,354 went to other Conservatives.

The final results gave the Norris government four supporters; the Labor party four supporters, and the Conservatives two. If the second choices on Dixon's ballots had all gone to Labor undoubtedly five Labor members would have been elected. It is very significant, however, for the city of Winnipeg, that Dixon should have had so many votes from others than adherents of the Labor group. A study of the whole 47,427 ballots with a view to their showing in respect to Dixon was even more significant. It was unofficially stated that his name as a choice (a first choice, or a tenth choice or something in between) appeared on about 38,000 ballots. This is a remarkable testimony of the breaking down of old party lines. It would indicate that very few voters adhered to a straight party slate.

The count was made under the direction of Mr. Ronald Hooper, general secretary of the Proportional Representation Society of Canada. Mr. Hooper is a citizen of Ottawa. The organization built up by him for taking the counts consisted of: three supervisors, two calculators, two transfer clerks, four chief sorters, and forty sorters. The counting began on Tuesday evening. The final counts were completed on Saturday morning at 2.30 o'clock. The entire time occupied in making the count was forty-six working hours.

Certain points of interest may be alluded to:

(1) More than half of the candidates lost their election deposits.

(2) No Independent candidate was elected.

(3) The percentage of ballots spoiled was small and compare favorably with elections under the old system.

(4) The number of ballots non-transferable when the final count was taken was only 1,867.

It would appear, therefore, that the Winnipeg experience proves the value of the proportional representation and that it is practicable with a large number of candidates in the field. There has been almost no criticism of the results except on the part of some supporters of Labor, who perhaps failed to realize that the first choices of Dixon were not all from regular supporters of Labor, and that the widespread distribution of his second choices is a much better omen for the future than had all his first choice ballots carried second choices for other Labor candidates.

THE MOVEMENT FOR COUNTY GOVERNMENT REFORM IN MICHIGAN

BY C. ROY HATTEN

Secretary, Grand Rapids Citizens' League

MICHIGAN COUNTIES STILL IN DARK AGES

In August, 1918, the Grand Rapids Citizens' League commenced agitation for improvement of the form of county government in Michigan, suggesting specifically the same general plan as is followed in commission manager cities. It will be remembered that Michigan and Wisconsin are the two states which still hold to the old antiquated form of large supervisor body with a long ballot containing all the different offices that have ever been invented as a part of county government. There are obsolete offices, unnecessary offices, and boards *ad infinitum*. The "head" of the county is a board of supervisors, sometimes of 48 members, meeting generally four times a year for a few days or a week at a time. In the interim there is no head to the county government. Although there are in most of the other states smaller governing bodies, it is generally accompanied with a long ballot which leaves but little similarity to the commission manager form of government as used in our cities. This subject should, therefore, be of interest to residents of all states, and the Grand Rapids Citizens' League believes it is helping to foster a movement which will be productive of much progressive government if adopted generally.

FREQUENT SCANDALS AND CONSTANT WASTE

There is scarcely a county in Michigan in which there has not been, within the last fifteen years, some official scandal sometimes bordering on criminality. In Detroit two years ago there was a heavy defalcation of county funds. In Grand Rapids within the present year large shortages of several thousand dollars in the books of the secretary of the good roads commission were discovered and an audit is being made of the books at the present time from which no report has as yet been forthcoming. Over two years ago a former county sheriff was prompted by disclosures being made, to pay into the county treasury, over $1,200 illegally retained from fees collected.

One year ago the Grand Rapids Citizens' League made a detailed comparison of the prices paid by the different departments of the county in which there has been no centralized purchases with the prices paid for the same articles by the city of Grand Rapids purchasing department under the commission manager form of government. These prices show that the county paid an average of 31.54 per cent more than the city for the same articles during the period covered. Comparisons were also made with the poor department purchases, which in many instances were very illuminating, but the records of that department were so scattered in two different offices that no averages were made. For example corresponding prices paid by the city and county for coal were $3.60 and $4.50 per ton; for flour, $12 and $14.20 per barrel; for sugar, $9.82 and $10.27 per sack; for ivory soap, $6 and $8 per box.

All of these matters are symptoms of the real trouble, which is an antiquated form of county government without any centralized responsibility or authority. The county has been operated much like a business in which each different department was separate and working against each other without any regard for results or business efficiency.

HOME-RULE ADVOCATED

In December, 1919, a conference was called at Lansing at which were present many prominent citizens and officials from various parts of the state and much enthusiasm was apparent for a study and campaign in connection with this matter, and a committee was appointed consisting of Robert T. Crane, professor of politics, University of Michigan, chairman; Elvin Swarthout, lawyer; Orville E. Atwood, farmer and state representative; and the writer as secretary to the committee.

After considerable study this committee sent questionnaires to several thousand representative people throughout the state including all newspaper editors, county clerks, sheriffs, prosecuting attorneys, mayors, presidents of boards of trade, Rotary, Kiwanis, and

Exchange clubs, state officials and legislators and many supervisors in certain typical counties. These questionnaires have met with generous response and called forth not only liberal promises of support and favorable editorial comment, but manifested sufficient interest to furnish a nucleus for a working organization in nearly every county of the state in any campaign which may be launched in support of this movement. Of the total answers received, 67 per cent were in favor of a small commission to govern the county, and nearly all of these pledged their active support, 29 per cent were non-committal in the absence of a detailed program, and 4 per cent were opposed to any change whatever. About two-thirds were for home rule provisions, giving each county the right to draft its own charter, and one-third were for uniform government in all counties. As the method of procedure, 45 per cent favored the initiative and agreed to help with petitions, 26 per cent favored legislative action, and 29 per cent had no suggestions.

It soon became evident to the committee that the problems of all counties were not the same, and that no county should have forced upon it a plan which it did not desire, and still a county which desired improvement should not be prevented from taking action because other counties were not awake to the need. The committee therefore decided to ask the next legislature to submit to vote of the people a constitutional amendment which would make possible a subsequent legislative enabling act whereby the people of any county could vote to change their form of government. To adopt this amendment it is necessary to have a majority vote of the people of the state, and before any county can be affected at all by this amendment it is necessary to have a majority vote of the people of that county.

THE PROPOSED AMENDMENT

The following is the text of the proposed amendment:

Proposed Amendment to Article VIII of the Constitution of Michigan, to Be Known as Sec. 15 A.

Sec. 15-A—The legislature shall enact general laws for the establishment of charter forms of county government in counties, providing that counties may frame, adopt and amend charters for their government and amend any existing laws relating to their local organization. But such law shall not go into operation in any county until approved by a majority of the electors thereof voting on such question. When such law is thus made operative in any county, the duties, powers, emoluments and functions of all constitutional and statutory county officers—excepting those of judges and circuit court commissioners—shall at once be transferred, vested in, and thereafter exercised by such officials as shall be designated or chosen pursuant to such charters; and thereupon all the duties, powers, franchises and functions—whether constitutional or statutory, legislative, judicial or administrative—of the board of supervisors, county superintendents of the poor, county road commissioners, board of county auditors, board of jury commissioners, county sinking fund commissioners, trustees or commissioners of county hospitals, work farms and work-houses, as well as those of any and all other officials, boards or bodies, exercising county powers, duties, franchises or functions, shall be transferred to, vested in, and thereafter exercised by such officials as shall be designated or chosen pursuant to such charters.

The situation in Detroit is different from the other cities only in degree. The evil results of the system become aggravated as the loss becomes larger in amount and the inefficiencies more constantly noticeable. There, as in all other counties under the old system, county government is a relic of the dark ages, but in the cities it is more frequently called to the attention of the citizens.

THE RECALL IN SIOUX CITY, IOWA

BY AVERY L. CARLSON

Morningside College

The story of the recall in Sioux City can now be told impartially. It is a contribution to the slender testimony on the subject. ::

THE unsuccessful attempt to recall Mayor Wallace M. Short of Sioux City, Iowa, on June 16, 1919, was the culmination of a continuous struggle between capital and labor. Sioux City is a typical, cosmopolitan, mid-western city of 71,227 people. It is located in a rich agricultural region on the Missouri river. Meat packing is the leading industry; although there are numerous small factories.

Wallace M. Short was elected mayor in 1918 as the candidate of organized labor. He was a graduate of Yale University, a former pastor of a local church, and for many years had been interested in labor problems. His administration was a stormy one. In September the commissioner of public safety was removed from office through judicial proceedings on the grounds that he had "been guilty of drunkenness and maladministration and corruption in office." The mayor then served for over a month as acting head of this department. In this capacity, he called for the resignation of the chief of police, for "the good of labor." This officer promptly resigned.

THE RECALL PROPOSED

On September 18, the daily press announced that a recall petition against the mayor was being circulated "by certain labor representatives." It was stated that the mayor's testimony as a character witness for the I. W. W. in their famous trial in Chicago, in July, 1918; his attitude toward the deposed councilman; his request for the resignation of the chief of police; and his attitude towards the selection of a man for the vacancy on the council were to be attacked. It was persistently stated that labor men were behind the recall movement; but prominent labor leaders disclaimed any responsibility for the move. The mayor then announced that "he welcomed a fight to the finish against his anonymous enemies, who were using labor men as 'catspaws.'" "I am convinced," he declared, "that organized labor is not behind this movement."

Subsequently the trades and labor assembly, consisting of over 100 delegates representing 43 unions, unanimously passed a resolution condemning the recall movement. Until this time the sponsors of the recall had refused to come out in the open. On September 27, however, the personnel of the recall committee was made public. It consisted of two preachers, and fifty-two business men. The movement then faded into the background until April 22, 1919.

Meanwhile public attention was directed to other matters in city affairs. In October, 1918, the council agreed on a union labor man for the public safety department. In January, 1919, this officer accused the police judge of inefficiency, and called for his resignation. It was not forthcoming. After a stormy session of the city council, the council voted three to two to oust him, the mayor and one councilman voting "nay." The commissioner of public safety contended that a majority vote of the city council removes an appointive officer, and cited a section of the code to that effect. The mayor ruled, however, that a two-thirds majority was necessary to dislodge the police judge. Accordingly he continued to hold office until the expiration of his term, when he was not reappointed.

THE MAYOR WELCOMES THE I. W. W.

In March, 1919, the local papers announced that the I. W. W. were planning to hold their national convention in Sioux City in April. The mayor then made the following statement: "Sioux City is powerless to stop the I. W. W. convention. . . . As long as they conduct themselves like good citizens, we cannot interfere. . . . Stirring up fire against people because they hold radical opinions is unwise. . . ." The commissioner of public safety also admitted that he could not "head off the meeting"; but that "the I. W. W. are being watched." On April 1 definite announcement that the "Wobblies" were to gather in Sioux City was made by their local secretary. "There will be no machine guns, however," he said. "It will be a gathering of quiet, peaceable American citizens, who are bound together in one common cause." On April 16, the secretary invited the mayor to deliver the address of welcome to the national convention of the agricultural section of the Industrial Workers of the World and a few days later the mayor announced that he had "accepted the invitation, as he would a request of like character from any other organization."

Until the opening of the convention, the mayor was severely criticised by various individuals and organizations. Much newspaper publicity was given the proposed address of welcome. The mayor announced that he was not afraid of criticism, but that he could not understand the publicity being given the matter. It was reported that other members of the city council considered his act unwise. The county officers stated that they had no power to act, unless violence occurred. The state attorney-general advised that nothing could be done, unless a crime or an act of violence was committed. Meanwhile the newspapers featured the coming I. W. W. convention. Excitement was running high. What would the mayor do?

All doubt was settled when the mayor appeared before the convention and read an extended address of welcome. He mildly rebuked them for their radical opinions; but also expressed sentiments of sympathy for them. The local press featured the address, but printed only short extracts of it. Feeling was freely fanned by the newspapers.

The next day, the county sheriff, fearing mob violence on the part of the populace, deputized 150 citizens, and marched down on the convention hall. The convention visitors quickly dispersed; and when the officers of the law reached the hall it was empty, except for a few officers of the convention, who protested vigorously against the interference with their right of free speech. But the sheriff closed the door, and securely padlocked it.

THE RECALL REVIVED

That evening 100 self-styled representative citizens held a mass meeting in a prominent down town hotel and took action to recall the mayor. A recall committee was appointed to manage the movement. The chairman was authorized to appoint a committee of five, to meet a similar committee to be appointed by the trades and labor assembly, which committee of ten were to select a candidate to oppose the mayor. A motion was passed to use the old recall petition, and add a number of names to it. The gathering was assured by several business men that organized labor would back the recall. A few labor leaders were present in their individual capacities, not as labor delegates.

Strong efforts were then made to get the union men to go ahead with the recall; but it was soon apparent that union labor would fight it. This was made evident by resolutions of various labor unions upholding the mayor. On May 1, delegates representing thirty-seven unions held a meeting at the Trade and Labor Assembly, and unanimously voted confidence in the mayor. All but sixteen of the unions in the city were represented. The mayor himself was present, and made a rousing address in which he declared that he welcomed a fight.

The recall petition containing 4,528 names was duly filed with the city clerk and nine days later certified to the city council as sufficient. Monday, June 16, 1919, was fixed by the council as the date for the recall election. The fight was on.

The trades and labor assembly having failed to name a committee of five, the chairman of the recall committee called a meeting of the signers of the recall petition to select a candidate to oppose the mayor. A retired locomotive engineer, who carried a union card in the railway engineers brotherhood was selected. It was argued that, being a union man, he had the proper label to win the labor vote and it was hoped that he "could rob the mayor of his thunder." His petition was duly filed with the city clerk.

THE CAMPAIGN

The mayor then challenged the recallers to debate the issues throughout the city, declaring that he had a right to know the charges against him, and to meet his accusers face to face. The chairman of the recall committee replied that "there is nothing to debate. Everyone knows why the mayor is being recalled. He has brazenly shown himself to be in sympathy with the I. W. W." The recallers made the issue one of patriotism as against disloyalty; the stars and stripes, against the red flag. Their candidate was unaccustomed to public speaking, so his backers were drafted to present his case. Very little interest was shown in their meetings; although the newspapers gave space liberally to their addresses. The mayor, who had the advantage of a liberal education, enthusiasm, fearlessness, oratorical powers, and the loyal support of labor, made a whirlwind campaign, speaking in movie theaters, the school buildings, and elsewhere. He posed as the defender of organized labor. He directed his attacks chiefly at a group of four or five wealthy business men, whose names he freely mentioned. He characterized them as "a little coterie of men, who finding that they could not control the mayor, had determined to seize control of the city government." All kinds of issues were injected into the campaign. On the final day, a labor rally was held at the city auditorium. It was preceded by a parade of 2,000 labor men, led by three bands, and one hundred returned soldiers in uniform.

The recall election was an overwhelming victory for the mayor. He won by a majority of 1,962 votes out of a total of 9,456. In the election of March, 1918, he had won by a majority of 1,792 votes out of 10,338 votes cast.

This was the largest city election up to that time; but was surpassed on March 29, 1920, when Mr. Short was re-elected mayor by a majority of 66 votes out of 13,072 votes cast. An interesting feature of the recall election was the fact that the recall candidate did not poll as many votes as there were signers to the recall petition. 4,528 men signed this petition, but only 3,747 voted against the mayor.

The mayor having been returned to office, the commissioner of parks and public property resigned, as he had threatened to do, if the recall was unsuccessful and the council unanimously elected a young locomotive engineer to succeed him. The mayor then called for the resignation of the chairman of the city planning commission, who refused to resign on the grounds that he had been appointed by the city council. The city council then unanimously ousted him, after which he made an unsuccessful appeal to the district court.

It is significant that during this disturbed political situation, there was practically no public criticism of the commission form of government under which the city has been operating since 1910.

STATE LEGISLATURES AND THE RENT PROBLEM

A REVIEW OF RECENT LEGISLATION

BY S. EDWARD HANNESTAD
Compiler, Pennsylvania Legislative Reference Bureau

"*All rental property and apartments are affected with a public interest.*"—*Rhode Island Legislature.* :: :: :: ::

I

The condition brought about in the rental situation by the cessation of building operations during the recent war and the return of the soldiers, led the legislatures of the various states in session in 1919 and 1920 to propose a large number of measures seeking to relieve the general distress which had resulted, and to enact a few of these measures into laws. Unlike the British and Canadian governments, the states struck directly at the evils of rent profiteering and indiscriminate evictions, rather than to seek rectification along the lines of supply and demand by the encouragement of building through government aid, the excellent results of which system in Canada are well described by Mr. Alfred Buckley in the August issue of the National Municipal Review.

II

Massachusetts is the only state at the time of this writing which has adopted the principle of government aid in increasing the supply of available dwellings. Chapter 554 of the laws of 1920 permits cities and towns to acquire and improve property for residential purposes, and to dispose of it in such manner as to provide shelter for its inhabitants. The right to acquire property under the act is limited until January 1, 1922.

A more elaborate system of municipal aid is outlined in a bill voted down by the legislature of New Jersey, which would permit the municipalities of that state, within three years from the passage of the measure, to acquire property for dwelling houses, and to lease such dwellings on a system of competitive bidding or by lot for a period not exceeding three years. Provision is also made for the sale of such property, with a requirement that all property held by a municipality under the act must be sold within five years of its passage.

The legislatures of New York and New Jersey in session during the month of September adopted measures designed to stimulate building by directly exempting new improvements for dwelling purposes from taxation for a period of five years (New Jersey); and by permitting municipalities to so exempt new buildings planned for dwelling purposes exclusively, for a period of ten years (New York). New York further made bonds of the state land bank a legal investment for state and municipal funds; and excepted new buildings from the rigorous rent profiteering and anti-eviction legislation.

The encouragement of private building enterprise was suggested in Rhode Island as the solution of the rent problem, by the creation of a commission to "formulate a plan to encourage, assist and promote home building and home ownership." This measure, however, failed of passage. Along this same line, Wisconsin in 1919 enacted a law providing for the formation of housing corporations on a coöperative plan. It is believed, however, that the existing corporation laws in most states are sufficient to permit the creation of such corporations without special enactment.

III

The rent legislation generally considered by the several states was that looking to the relief of householders from ruthless evictions by landlords. The greater part of these measures took the form of permitting a stay of proceedings for periods varying from twenty days to twelve months in actions to dispossess a tenant, or of lengthening the period of notice to quit before an action to regain possession of dwelling places might be brought. The legislatures of Massachusetts, New Jersey, New York, Oregon, Pennsylvania and Rhode Island had before them bills of this kind, a fair number of which were enacted into laws. While these measures are an undoubted boon to the tenant in possession who is unable immediately to secure other accommodations, they in no wise tend to relieve the public calamity of house shortage; but have rather the contrary effect, as in many cases they operate to prevent or retard the conversion of single dwellings into two or three family apartments, which is one of the quickest solutions for the immediate need.

Closely allied with the provisions just discussed are the laws adopted in Massachusetts and New York, making it a misdemeanor on the part of a landlord, who is required so to do by the terms of the lease or otherwise, to wilfully and intentionally fail to furnish water, heat, light or other service or to wilfully and intentionally interfere with the quiet enjoyment of the leased premises by the occupant; also the New Jersey law which prohibits a landlord from terminating monthly tenancies between October first and April first, and the New York law which requires competent evidence that a tenant is objectionable before he may be evicted in a case where the landlord has the right under the lease to terminate it if he deems the tenant objectionable. More to the point is the New Jersey law making it a misdemeanor to refuse to rent a house or apartment to a family having children under fourteen.

IV

Next in point of number come the rent profiteering bills, most drastic of which is that introduced in both houses of the Rhode Island legislature at its 1920 session, but which failed to become a law. These bills provided for a state commissioner of rents with liberal powers in the matter of making investigations, and with power to arbitrate rent claims complained of as exorbitant. The bills also contemplated the appointment of appraisers in certain cases, from whose decision an appeal to the superior court would lie. Somewhat similar is the bill which failed before the Pennsylvania legislature of 1919. This measure provided for a bill in equity to determine the fair and equitable rental of premises, when an action for possession or for rent was pending. The larger portion of the rent profiteering legislation, however, left the burden of determining the fairness of the rent to the court in which the original action for possession or for rent was brought, by declaring oppressive agreements for rent unenforceable (as in Massachusetts), or by allowing the defense in an action for rent that the rent charged is unreasonable, or requiring a plaintiff seeking to recover possession of a dwelling to allege and prove that the rent is no greater than that for which the tenant was liable for the month preceding the default (as in New York). New York further requires a landlord in actions of this character to file a bill of particulars showing the income, available space, assessed valuation, original investment and current expenses connected with the building of which the premises in question is a part.

Whatever may be the virtues of this species of legislation, its decided tendency is to limit rather than increase the number of available rent properties, to stifle rather than to encourage the building industry for rent purposes. The scarcity of housing accommodations is more likely to be intensified by laws of this type, as it encourages property owners to sell at exorbitant prices (the prohibiting of which has not even been suggested), rather than to rent at a low rate of profit. The average man can better afford to pay excessive rents than he can afford to purchase his own home on an inflated real estate market. The only real solution for the rent problem is to make available for immediate occupancy a larger number of dwelling places. To do this, government aid in some form seems ultimately to be the only effective means which a legislature can employ —to get at the cause of the problem, instead of vainly dealing with its effects alone and ignoring the cause.

ZONE FARES FOR STREET RAILWAYS

THEIR RELATION TO HOUSING CONGESTION AND COMPANY FINANCES

BY WALTER JACKSON

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It is an interesting coincidence that a deeper and wider study of the relation of city planning to transportation should be made by a noted traffic engineer at the very time when metropolitan transportation conditions are passing through the worst crisis in their history. Of recent studies on this subject, none is more scholarly than that by James Rowland Bibbins on "City Building and Transportation," read before the Western Society of Engineers May 12, 1920, and published in the August 20 *Journal* of that body. Every reader of this article is urged to secure a copy of this splendid analysis of the aspects of city planning, or "building" as Mr. Bibbins prefers to call it, from the viewpoint of a transportation engineer who has had unexcelled opportunities for first-hand study.

Yet, it is necessary to temper praise of Mr. Bibbins' monograph in one vital respect—the relation of zone fares to city and metropolitan layout. Like almost every other American transportation engineer he takes for granted that the zone fare is a cause of congestion. Contrasting one-fare versus fare zones, he asserts that their "influence are exactly opposed—one centrifugal, the other centripetal"—and we are told that "the flat fare encourages home building in the suburbs; the zone fare forces tenement building in the close-in districts, which become more and more congested with growth. The one brings a railway system face to face with the embarrassing problem of curtailing over-development desired by greedy landowners; the other brings its problems of development of trunk line capacity to keep pace with the increasing density." Again: "Unquestionably a fare zone has the effect of placing a strong rubber band around the district in question, always urging dwellers toward the center, and from this point of view it would be considered the last resort."

We all know that the zone fare is highly developed abroad while almost unknown here. Consequently, we might have expected Mr. Bibbins to contrast congested foreign with non-congested American cities. But what is the burden of his paper? That we must rebuild our cities to *avoid* congestion or at least avoid large congested areas! So it seems that we have congestion after all, despite the fact that these very cities grew up under a universal 5-cent fare.

THE FARE SYSTEM IS NOT THE DOMINANT CAUSE OF CONGESTION

Within the scope of this paper and the limits of this magazine, it is impossible to give a tithe of the *facts* concerning the relation of the fare system to the character of city growth, but I will put down the following in capsule form to show that we must be mighty wary on this subject:

Glasgow: Cheapest zone fare city in the world. Chief growth along valley of the Clyde. Characteristic dwellings four to five stories high whether in the heart of the city or at the edge of the city. Zone fare street railways supplemented by inner-city cable subway and extensive steam railway network with cheap commutation rates and frequent service. Severe congestion along trunk trolley lines.

New York: Cheapest flat fare city in the world. Growth of old New York (Manhattan and Bronx) north and south between Hudson and East rivers. Characteristic dwellings put up to-day more than twice the height permitted in Glasgow. Houses with more than six families in trans-pontine boroughs of Brooklyn and Queens a rarity until the invasion of 5-cent rapid transit lines from Manhattan with consequent increase of land values. Severe congestion almost everywhere.

London: Extraordinary richness of transportation facilities offered by trams, buses, underground electric railways and steam railroads reaching into the suburbs. Zone fare prevails. Splendid suburban development in all directions, the larger and older dwellings being found chiefly in older parts of the metropolis. Workmen's preference for living near their jobs not due to zone fares as they have always enjoyed exceptionally low rates—the longer working day up to recent times being a far likelier reason. The great workmen's district of West Ham in 1918 had 300,000 people in 48,207 houses and average density of 62 per acre—with practically no room for territorial expansion.

Chicago: Inferior to London as regards transportation facilities although schedule speeds in Chicago are higher. Despite long prevalence of 5-cent unit fare, Mr. Bibbins' own map shows irregularity of residential distribution of population varying from 16 to 140 people per acre (less than 10,000 per square mile to more than 90,000 per square mile). This compares with 9,510 people per square mile in Greater London, *circa* 1908; and in 1911, according to Lord Ashfield,[1] the population of Greater London (693 square miles and 7,252,000 people) averaged but 10,500 people per square mile or 17 per acre. Even for the ancient county of London, the 1911 figures (4,522,000 population) show an average of 60 people per acre. Possibly both young Chicago and old London are equally congested in certain areas, but Chicago earns the prize for uneven distribution despite the assumed centifugal qualities of a unit fare. There are neither skyscraper office-buildings nor tenements in London.

Leeds: The great industrial city of the British Midlands. Local tramway service connecting up with half-a-dozen neighboring systems which use also trackless trolleys and gasoline motor-buses; local steam railroad service also given to greater extent than in American cities. Zone fare on trams and commutation distance fares on steam railroads. *One-family* houses the rule.

Philadelphia: Despite handicap of almost no rapid transit development to date, and despite fact that some passengers paid 3 cents for transfer tickets, Philadelphia is notable as an American metropolis of *one and two-family* houses. Exclude the skyscrapers in the business section and it would be indistinguishable from the typical British zone-fare city.

Any Average British City: Four or five-story business buildings. Characteristic homes, small one and two-family brick structures; characteristic fare, zone system with modifications to suit local needs.

Any Average American City: Cloudkissing business buildings and hotels even on the limitless plains of Texas (consider the Dallas sky line!). Great sprawling wooden tenements in New England cities and Middle State cities, exclusive of the small brick buildings characteristic from western New Jersey to Richmond, Virginia. In San Francisco, the same tall frame structures as on the extreme eastern coast. Unit fare is characteristic of all large cities except Milwaukee.

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[1] "London's Traffic Problem" May, 1920, issue of *The Nineteenth Century and After.*

If we do not feel satisfied with these comparisons of American and British cities, there is Germany. The typical German city is made up of tall stone dwellings whether the city grew up under a flat street car fare, as Berlin and Hamburg, or under a zone fare as Cologne. Best of all, there are the cities of Australia which have changed *from* unit fares *to* zone fares, and yet are famous for their healthfulness and great spread of population. Take Melbourne, for example, with nearly three-quarters of a million population averaging but 2,064 people per square mile!

TOPOGRAPHY, HABIT, TRANSIT FACILITIES MORE IMPORTANT THAN FARES

The foregoing parallels indicate that the distribution of the business, industrial and residential population is not primarily a question of unit fares or zone fares. Other factors have been at work far longer and more effectually. Thus, in its early days, building in the city of New York when confined to Manhattan Island was not only limited by insularity but by the fact that the plutonic rock formation which comes to the surface on the greater part of the island made building operations costlier than elsewhere. Dearer land and dearer building cost naturally encouraged tall structures. The further enhancement of land values due to the rapid transit lines has lead to higher and higher structures. Isn't there something ludicrous to be drawn from an item like this in the *New York Tribune* for September 1, 1920:

> CITY'S MOST NORTHERLY FLAT WILL BE ERECTED SOON
>
> SIX-STORY APARTMENT FOR 259TH STREET AND POST ROAD TO COST $250,000.

As the greater part of New York's business district is well below First street, and as there are 20 Manhattan north-south blocks per mile, the business men who will occupy this costly apartment house will get more than 13 miles for the present unit fare of 5 cents. If there were no unit fare, they might be obliged to travel just as far, but it's a safe guess that they would pay a substantially lower rent. Zone-fare river-valley Glasgow is also a tenement house city to its very edge, but the writer's personal investigations there disclosed the fact that the rents are so much lower in certain cases that it pays the tenant to spend more for car-fare and more time on the cars. In both cities, the pressure for the most accessible land has had much to do with the coming of high buildings and consequent congestion.

Habit is surely another factor to be reckoned with. The resident of Aberdeen and Glasgow considers the tenement copied from France a matter of course; the average Englishman is unhappy if he cannot call his home his castle. In our own country, we find the tenement-raised New Yorker usually unwilling to take up the cares always handled by a janitor so far as he knows; while to a Philadelphian, there is nothing more natural than those little brick pill-boxes. In the metropolitan district of New York as a whole we find that it is the unit fare man who lives in a tenement and the zone fare (steam railroad suburban) man who enjoys God's sunshine!

That accessibility as determined by transit facilities is also more important than the rate or kind of fare may be observed in almost any metropolitan area. In the city proper, it is not uncommon to find that the more influential tho less settled sections get more service than poorer, more crowded sections; and in suburban development, the commuter obviously will choose the electrified line where he paid no attention to a steam line. From the writer's own suburb, the 50-ticket book fare to New York on the electrified steam line costs more than two and one-half times the street and subway fares combined, but many people choose to pay the higher distance fare even when the net saving in time is but 15 minutes. Indeed, trolley-subway traffic from Mount Vernon to New York would be still further reduced if the electrified suburban line were to run short trains at short intervals throughout the day instead of concentrating on the rush-hours.

The long and short of this whole question is that the unit fare system of the electric railways of America has been of benefit primarily to the land and house owner whose property has been enhanced by the extension of the unit fare to his property. If we are to judge by what actually happens under distance-fare conditions, we will find that the people spread into the suburbs just as quickly as trackage is built out for their accommodation. In other words, the more even distribution of urban population depends far more upon the service than upon the fares.

Of course, it must not be assumed that an absolute distance or cumulative fare is necessarily the fare to use. On the contrary, the most practical zone fares are those that give an ever longer distance with each increment to the base fare, and whose divisions are not hard and fast but adjusted to meet natural traffic conditions.

THE ZONE FARE AS A DEVICE FOR CREATING SUB-CENTERS

It would appear from Mr. Bibbins' paper that if we are to escape congestion the creation of sub-centers of industrial, social and community life is a necessity. But he does not recognize, apparently, that the unit fare is a prime obstacle to the creation of such subsidiary communities. So long as My Lady can reach the big store downtown for the same fare as the small store one mile away, the former will flourish and the latter will languish. Place the long ride at 10 cents and the short one at 5 cents, and it will not be long before a real local center will have been established.

During the many years of the simple 5-cent fare this discrimination in favor of the downtown business, industrial or pleasure center went unnoticed; but ask any downtown man to-day whether the enlightenment caused by the advent of 6, 7, 8 and 10-cent unit fares has hurt his business or not!

Now the problem baldly stated is this: are we more interested in maintaining or increasing the prosperity of the central, congested area; or in considering the needs of the community as a whole? If the latter, we must necessarily seek, under private ownership of railways for gain, that system of fares which will produce the maximum distribution of population and the maximum diversity in the use of transit facilities.

If we turn to the zone-fare British city we will find far greater life in the sub-centers than in American cities of corresponding size. However, I do not wish to draw conclusions from appearances only. We must not forget that British cities are much older than ours, so that many of the outlying communities eventually absorbed are not suburbs in the American sense but towns and villages with a history and individuality dating back to the crusades. Nevertheless, personal observation of the riding in these metropolitan areas and analysis of their rides according to rates of fare do indicate that the zone fare promotes the growth of neighborhood centers. In so doing, it promotes the decentralization which we are after. The first tendency toward building up a community center comes from the optional rider, the person on shopping or pleasure bent; but as Mr. Bibbins himself points out there comes a time when large manufacturers find that they must move to the fringe if they want to expand. Naturally their employes follow as fast as they can because they are at least as interested in cutting the riding time to and from their jobs as in the rate of fare. The most flagrant crowding in the world, as on the east side of New York, is in areas where the people pay no car fare of any kind!

Nor is the rush-hour problem at all peculiar to America. The reason that the peak load of British industrial cities is less accentuated than ours appears to be due to the much greater proportion of off-peak, short-haul travel fostered by the zone fare. The short work-day is now as firmly established in Great Britain as in the United States, and the question of staggering the hours to afford some relief is one of the live topics of British transportation discussion.

My conclusion as to congestion is that we don't really know the relative power of various factors because we have had no absolutely free play of the forces that enter into the distribution of urban industries and population. Such free play would be possible only if landlords were unable to capitalize for their own benefit improvements in transportation service and fares; and if the transportation system itself was conducted for use instead of profit.

A REALIST POINT OF VIEW AS TO FARES

But inasmuch as we are dealing with a condition in which both housing and transportation are conducted primarily for the profit of their undertakers, we must seek a solution that will come nearest to giving us a city of better life and a railway of better returns. Granted that the railway cannot even maintain its present standards of service—let alone grow—unless it earns enough to pay something more than bank interest, how are we to handle the matter of

GENERAL SUMMARY OF ANALYSIS OF EFFECT OF FARE INCREASES UPON TRAFFIC AND REVENUES OF PRINCIPAL STREET RAILWAY SYSTEMS OF THE UNITED STATES

Class	Number of cities or systems in class	Number of revenue passengers carried 1st 9 months of 1917	Per cent of total electric railway traffic of country	Average fare per revenue passenger 1st 9 months of 1917, cents	Number of revenue passengers carried 1st 9 months of 1919	Average fare per revenue passenger 1st 9 months of 1919, cents	Per cent increase in average fare paid 1st 9 months of 1919 over 1st 9 months of 1917	Per cent increase in number of revenue passengers carried 1st 9 months of 1919 over 1st 9 months of 1917 (D—indicates decrease)	Per cent increase in passenger revenue 1st 9 months of 1919 over 1st 9 months of 1917
A	13	2,465,440,094	29.16	4.93	2,837,238,677	4.95	0.41	15.08	15.65
B	11	908,511,165	10.74	4.98	1,005,987,031	5.31	6.63	10.73	18.11
C	29	1,583,795,790	18.73	5.28	1,689,085,597	6.22	17.80	6.65	25.63
D	15	1,521,714,987	18.00	4.62	1,406,987,088	6.55	41.77	7.54(D)	30.97
All	68	6,479,462,026	76.63	4.95	6,939,298,393	5.64	13.97	7.10	21.96

fares? Are we satisfied to give the railway *carte blanche* in raising fares and lowering service to get more revenue from fewer riders, or are we going to encourage it to try methods which will involve raising the fares of some, lowering the fares of others and shutting out all competition if the railway agrees to supplement track transportation by the rubber-tired trackless trolley or gasoline bus.

Surely the former method has not proved so successful to date from the civic welfare standpoint that we can tolerate it with equanimity. Boston, for example, should have had at least 400,000,000 rides in 1919 according to normal rates of increase under the 5-cent fare. Under higher fares, including the present 10-cent fare, the actual number of rides was but 325,000,000. Those 75,000,000 rides lost represent a decided slowing down in the life of the community. The table prepared by Dr. Delos F. Wilcox for the Federal Electric Railway Commission also shows that increased revenue for the railway can be obtained at too high a cost to the activity index of the community.[1]

It is true that the traffic comes back—at least in part—after a time. More strictly speaking, it might come back if the new rates of fare remained reasonably permanent. But when another cent or half-cent is tacked on every few months, the patient has another relapse threatening early dissolution. With all the care given to working out service-at-cost franchises and the consequent minimizing of litigation and ill-feeling, the results of these franchises to date are not encouraging to those who wish to see the electric railway useful as well as profitable.

I am not going to pretend for a moment that the zone fare in any form whatever is a sure cure for rising costs. But this much is certain: the zone fare would not drive off the short-haul rider, while it would create a new class of short-haul neighborhood shopping or pleasure riders. A great many tears have been shed in advance over the sad plight of the 10-mile rider who will have to pay 10 cents instead of 5; but nobody seems to shed any tears over the one-mile rider who has been paying a good return at 5 cents until he decides that he will not be the goat. There are bound to be some hardships for those who have been getting far more than their money's worth, but let us not forget that under a zone fare all neighborhood riding would be at the old fares or less; and from what we have seen of the decentralizing tendencies of the zone fare, industries would tend to move out into suburban communities with cheaper land rather than stay in the old place and absorb the higher car-fares as they inevitably must do.

The electric railway's problem will be much nearer a popular solution if it thus secures more revenue from more riders than if it proceeds desperately to get all it needs out of those who must ride. That policy is all the more dangerous in these days of automotive vehicles when motor trucks can be turned into passenger carriers instantly and jitney buses by the hundred can be brought in over-night. To be sure, no city can depend upon nondescript, irresponsible vehicles for its daily transportation, but the temptation to fly to them in traction squabbles is so great that no electric railway can afford to ignore the paradoxical fact that if it wishes to remain a monopoly it must become a business! In becoming that business, the electric railway will have to do a lot of trouble-taking things. It will not, for example, say that the zone fare is impracticable, because the pioneers here happened to be inexperienced, incapable or unfortunate, in face of the incontrovertible fact that the zone fare is not only a practicable thing in Great Britain and the continent but that it has actually displaced the unit fare in the wide-awake cities of Australia.

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[1] This table was published in the October, 1920, issue of the NATIONAL MUNICIPAL REVIEW at page 634 and is repeated.

If private operation of this public utility is to continue, therefore, the spirit of scientific research, of merchandising service and of the relation of transportation to community welfare must be studied by the managements of to-day as it never was by their predecessors of the carefree period of electric railway development.

PROPOSALS FOR MODEL STATE CONSTITUTION

PROGRESS REPORT OF COMMITTEE ON STATE GOVERNMENT

To be presented for discussion and further advisory voting at the annual meeting of the National Municipal League in Indianapolis, November 17–19. :: :: :: :: :: :: ::

THE LEGISLATURE

Section 1. There shall be a Legislature of members who shall be chosen for a term of four years by the system of proportional representation with the single transferable vote. For the purpose of electing members of the Legislature the state shall be divided into districts composed of contiguous and compact territory from which members shall be chosen in proportion to the population thereof, but no district shall be assigned less than five members.

Section 2. Until otherwise provided by law, members of the Legislature shall be elected from the following districts: The first district shall consist of the counties of and and shall be entitled to members. (The description of all the districts from which the first Legislature will be elected should be inserted in similar language.) At its first session following each decennial Federal census the Legislature shall redistrict the state and reapportion the members in accordance with the provisions of Section 1 of this constitution.

Section 3. The election of members of the Legislature shall be held on the Tuesday next following the first Monday of November in the year one thousand nine hundred and twenty-two and every fourth year thereafter.

Section 4. Any elector of the state shall be eligible to the Legislature.

Section 5. The term of members of the Legislature shall begin on the first day of December next following their election. Whenever a vacancy shall occur in the Legislature the Governor shall issue a writ of appointment for the unexpired term. Such vacancy shall thereupon be filled by a majority vote of the remaining members of the district in which the vacancy occurs. If after thirty days following the issuance of the writ of appointment the vacancy remains unfilled, the governor shall appoint some eligible person for the unexpired term.

Section 6. A regular session of the Legislature shall be held annually beginning on the first Monday in February. Special sessions may be called by the Governor or by a majority vote of the members of the Legislative Council.

Section 7. The Legislature shall be judge of the election, returns and qualifications of its members, but may by law vest the trial and determination of contested elections of members in the courts. It shall choose its presiding officer and determine its rules of procedure, may compel the attendance of absent members, punish its members for disorderly conduct and, with the concurrence of two-thirds of all the members, expel a member; but no member shall be expelled a second time for the same offence. The Legislature shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the Legislature as a whole or before any committee thereof.

SECTION 8. A majority of all the members of the Legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the attendance of absent members. The Legislature shall keep a journal of its proceedings which shall be published from day to day. A vote by yeas and nays on any question shall, at the desire of one-fifth of those present, be taken and entered on the journal.

SECTION 9. A secretary of the Legislature shall be appointed in the manner hereinafter provided. The secretary shall appoint and supervise all employes of the Legislature and shall have charge of all service incidental to the work of legislation. While the Legislature is in session the secretary shall be under the control of that body.

SECTION 10. No law shall be passed except by bill. All bills shall be confined to one subject which subject shall be clearly expressed in the title. Bills for appropriations shall be confined to appropriations.

SECTION 11. No bill shall become a law until it has been read on three different days, has been printed and upon the desks of the members in final form at least three legislative days prior to final passage, and has received the assent of a majority of all the members. Upon final passage the vote shall be by yeas and nays entered on the journal; provided, that the employment of mechanical devices to record the votes of members shall not be contrary to this provision.

SECTION 12. Every bill which shall have passed the Legislature shall be presented to the Governor; if he approve he shall sign it, but if not he shall return it with his objections to the Legislature. Any bill so returned by the Governor shall be reconsidered by the Legislature and if, upon reconsideration, two-thirds of all the members shall agree to pass the bill it shall become a law. In all such cases the vote of the Legislature shall be by yeas and nays and entered on the journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him it shall be a law in like manner as if he had signed it, but if the Legislature shall by adjournment prevent the return of a bill within ten days any such bill shall become a law unless filed by the Governor together with his objections in the office of the secretary of the Legislature within thirty days after the adjournment of the Legislature. Any bill so filed shall be reconsidered by the next session of the Legislature as though returned while the Legislature was in session.

SECTION 13. Any bill failing of passage by the Legislature may be submitted to referendum by order of the Governor if at least one-third of all the members shall have been recorded as voting in favor of the bill when it was upon final passage. Any bill which, having passed the Legislature, is returned thereto by the Governor with objections and, upon reconsideration is not approved by a two-thirds vote of all the members but is approved by at least a majority thereof, may be submitted to referendum by a majority vote of all the members of the Legislature. Bills submitted to referendum by order of the Governor or Legislature shall be voted on at the next succeeding general election unless the Legislature shall provide for their submission at an earlier date.

THE LEGISLATIVE COUNCIL

SECTION 14. There shall be a Legislative Council consisting of the Governor and seven members chosen by and from the Legislature. Members of the Legislative Council shall be chosen by the Legislature at its first session after the adoption of this constitution and at each subsequent session following a general election. Members of the Legislative Council chosen by the Legislature shall be elected by the system of proportional representation with the single transferable vote, and when elected shall continue in office until their successors are chosen and have qualified. The Legislature, by a majority vote of all its members, may dissolve the Legislative Council at any time and proceed to the election of a successor thereto.

SECTION 15. The Legislative Council shall meet as often as may be necessary to perform its duties. It shall choose one of its members as chairman and shall adopt its own rules of procedure, except as such rules may be established by law. The Legislative Council shall appoint the secretary of the Legislature who shall be ex officio secretary of the Council.

SECTION 16. It shall be the duty of the Legislative Council to collect information concerning the government and general welfare of the state and to report thereon to the Legislature. Measures for proposed legislation may be submitted to it at any time and shall be considered and reported to the Legislature with its recommendations thereon. The Legislative Council may also prepare such legislation and make such recommendations thereon to the Legislature in the form of bills or otherwise as in its opinion the welfare of the state may require. Other powers and duties may be assigned to the Legislative Council by law. The delegation of authority to supplement existing legislation by means of ordinances shall not be deemed a delegation of legislative power.

SECTION 17. Members of the Legislative Council shall receive such compensation, additional to their compensation as members of the Legislature, as may be provided by law.

THE EXECUTIVE

SECTION 18. The executive power of the state shall be vested in a Governor who shall hold his office for a term of four years from the first Monday in December next following his election. Any elector of the state shall be eligible to the office of Governor.

SECTION 19. In case of death, impeachment or other disability of the Governor, the powers and duties of the office shall devolve upon the presiding officer of the Legislature for the remainder of the term or until the disability be removed.

SECTION 20. There shall be such executive departments as may be established by law. The heads of all executive departments shall be appointed, and may be removed, by the Governor. All other officers and employes in the executive service of the state shall be appointed by the Governor or by the heads of executive departments as may be provided by law.

SECTION 21. The Governor and heads of executive departments shall be entitled to seats in the Legislature, may introduce bills therein and take part in the discussion of measures, but shall have no vote.

THE BUDGET

SECTION 22. Not later than   days after the organization of the Legislature at each regular session the Governor shall submit to the Legislature a budget setting forth a complete plan of proposed expenditures and anticipated revenues of all departments, offices and agencies of the state for the next ensuing fiscal year. For the preparation of the budget the various departments, offices and agencies shall furnish the Governor such information in such form as he may require. At the time of submitting the budget to the Legislature the Governor shall introduce therein a general appropriation bill containing all the proposed expenditures set forth in the budget. At the same time he shall introduce in the Legislature a bill or bills covering all recommendations in the budget for additional revenues or borrowings by which the proposed expenditures are to be met.

No appropriation shall be passed until the general appropriation bill as introduced by the Governor and amended by the Legislature shall have been enacted, unless the Governor shall recommend the passage of an emergency appropriation or appropriations which shall continue in force only until the general appropriation bill shall become effective. The Legislature shall provide for one or more public hearings on the budget either before a committee or before the entire assembly in committee of the whole. When requested by not less than one-fifth of the members of the Legislature it shall be the duty of the Governor to appear before the Legislature or to appear in person or by a designated representative before a committee thereof to answer any inquiries with respect to the budget.

The Legislature by appropriate legislation shall make this section effective.

SECTION 23. The Legislature shall make no appropriation for any fiscal period in excess of the revenue provided for that period. The Governor may disapprove or reduce items in appropriation bills and the procedure in such cases shall be the same as in case of the disapproval of an entire bill by the Governor.

SECTION 24. No money shall be drawn from the treasury except in accordance with appropriations made by law, nor shall any obligation for the payment of money be incurred except as authorized by law. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates.

Below is given the text of those sections which were adopted without objection at our moot constitutional convention at Cleveland last December:

MUNICIPAL CORPORATIONS

SECTION 1. *Incorporation and Organization.* Provision shall be made by a general law for the incorporation of cities and villages; and by a general law for the organization and government of cities and villages which do not adopt laws or charters in accordance with the provisions of sections 2 and 3 of this article.

SECTION 2. *Optional Laws.* Laws may be enacted affecting the organization and government of cities and villages, which shall become effective in any city or village only when submitted to the electors thereof and approved by a majority of those voting thereon.

SECTION 3. *City Charters.* Any city may frame and adopt a charter for its own government in the following manner: The legislative authority of the city may by a two-thirds vote of its members, and, upon the petition of ten per cent of the qualified electors, shall forthwith provide by ordinance for the submission to the electors of the question: "Shall a commission be chosen to frame a charter?" The ordinance shall require that the question be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage, otherwise, at a special election to be called and held within the time aforesaid; the ballot containing such question shall also contain the names of candidates for members of the proposed commission, but without party designation.

Such candidates shall be nominated by petition, which shall be signed by not less than two per cent of the qualified electors, and be filed with the election authorities at least thirty days before such election; provided, that in no case shall the signatures of more than one thousand (1000) qualified electors be required for the nomination of any candidate. If a majority of the electors voting on the question of choosing a commission shall vote in the affirmative, then the fifteen candidates receiving the highest number of votes (or if the legislative authority of the state provides by general law for the election of such commissioners by means of a preferential ballot or proportional representation, or both, then the fifteen chosen in the manner required by such general law) shall constitute the charter commission, and shall proceed to frame a charter.

Any charter so framed shall be submitted to the qualified electors of the city at an election to be held at a time to be determined by the charter commission, which shall be at least thirty days subsequent to its completion and distribution among the electors and not more than one year from the date of the election of the charter commission. Alternative provisions may also be submitted to be voted upon separately. The commission shall make provision for the distribution of copies of the proposed charter and of any alternative provisions to the qualified electors of the city not less than thirty days before the election at which it is voted upon. Such proposed charter and such alternative provisions as are approved by a majority of the electors voting thereon shall become the organic law of such city at such time as may be fixed therein, and shall supersede any existing charter and all laws affecting the organization and government of such city which are in conflict therewith. Within thirty days after its approval the election authorities shall certify a copy of such charter to the secretary of state, who shall file the same as a public record in his office, and the same shall be published as an appendix to the session laws enacted by the legislature.

SECTION 4. *Amendments.* Amendments to any such charter may be framed and submitted by a charter commission in the same manner as provided in section 3 for framing and adopting a charter. Amendments may also be proposed by two-thirds of the legislative authority of the city, or by petition of ten per cent of the electors; and any such amendment after due public hearing before such legislative authority, shall be submitted at a regular or special election as provided for the submission of the question of choosing a charter commission. Copies of all proposed amendments shall be sent to the qualified electors. Any such amendment approved by a majority of the electors voting thereon shall become a part of the charter of the city at the time fixed in the amendment, and shall be certified to and filed and published by the secretary of state as in the case of a charter.

SECTION 5. *Powers.* Each city shall have and is hereby granted the authority to exercise all powers relating to municipal affairs; and no enumeration of powers in this constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit or restrict the power of the legislature in matters relating to state affairs, to enact general laws applicable alike to all cities of the state.

The following shall be deemed to be a part of the powers conferred upon cities by this section:

(a) To levy, assess and collect taxes and to borrow money, within the limits prescribed by general laws; and to levy and collect special assessments for benefits conferred;

(b) To furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof;

(c) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement;

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(e) To organize and administer public schools and libraries, subject to the general laws establishing a standard of education for the state;

(f) To adopt and enforce within their limits local police, sanitary and other similar regulations not in conflict with general laws.

SECTION 6. *Reports.* General laws may be passed requiring reports from cities as to their transactions and financial condition, and providing for the examination by state officials of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

SECTION 7. *Elections.* All elections and submissions of questions provided for in this article or in any charter or law adopted in accordance herewith shall be conducted by the election authorities provided by general law.

COUNTIES

SECTION 1. No new county shall be created and no existing county shall be subdivided unless the question is submitted to the duly enrolled or registered voters of the district or districts affected at a regular or at a specially called election and is approved by a majority of such voters, voting thereon, in the district or districts affected.

SECTION 2. The general powers and duties of county government shall be defined by general law, applicable to all counties and optional plans for the organization of county government may be provided by law, to be effective in any county when submitted to the legal voters thereof and approved by a majority of those voting thereon.

SECTION 3. Any county shall have the power to frame, adopt and amend a charter for its government and to amend any existing law relating to its local organization, such charters and amendments to take effect when submitted to the legal voters of the county and approved by a majority of those voting thereon. The manner of exercising the powers herein granted may be regulated by general law.

SECTION 4. Any county with a population of over   may be authorized by law to provide in its charter for a consolidated system of municipal government, providing for the powers and duties of county, city and other municipal authorities within the county and abolishing all officers whose powers and duties are otherwise provided for.

TAXATION

SECTION 1. The power of taxation shall never be surrendered, suspended, or contracted away.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Officers, Boards, and Commissions of Texas. By Frank Mann Stewart, Government Research Series, No. 18. University of Texas, 1920. Pp. 66 and chart.

This bulletin is a revision of a pamphlet by the same title issued in 1916. It groups the various governmental agencies under seven classes, namely, constitutional officers, statutory officers that are heads of departments and other statutory officers, executive and supervisory boards and commissions, boards of control for state institutions, examining boards and commissions, ex officio and advisory boards and commissions, and miscellaneous boards and agencies. The information concerning each agency is set up under the following heads: date of creation, composition, appointment, qualification, term, compensation, duties, number of officers and employes, and appropriation. Practically all the information contained in the bulletin may be found in the state constitution and statutes. No attempt has been made to set forth actual administrative methods and practices. The writer has purposely overlooked the important fact that government may be one thing in law and quite another in practice.

The chart which accompanies the bulletin exhibits a picture of the administrative organization, showing it to be composed of seventy-nine separate and distinct agencies. Nine of these are elective; the others are appointed by the governor (usually with the consent of the senate), or by the supreme court, or by other administrative officers, commissions and agencies. On the whole the administration appears as a tangle in which definite lines of responsibility cannot be fixed. This condition, however, is not discussed, although this would seem to be the *raison d'etre* for the bulletin. Mr. Stewart does not so much as attempt to direct attention to the archaic organization of the Texas state government. For this reason his pamphlet has little value for the general reader who is interested mainly in administrative reorganization. It is to be hoped that he will follow this bulletin with another in which he will set up a general scheme of administrative reorganization for the state of Texas.

A. E. B.

Albany: The Crisis in Government. The History of the Suspension, Trial and Expulsion from the New York State Legislature in 1920 of the Five Socialist Assemblymen by Their Political Opponents. By Louis Waldman. New York, Boni and Liveright, 1920. Pp. 233.

This story is told by the expelled assemblyman from the eighth assembly district of Manhattan, who was elected for his second term November 4, 1919. It is the history of a legislative body excluding members because of political principle and is divided into four parts as follows: The suspension; The country's reaction to the suspension; The trial; The expulsion. The suspension occurred on January 7, 1920 and the trial began January 20 and ended March 11. The expulsion took place March 31, 1920.

The first part tells of the dramatic events from the opening day of the legislature, when the five assemblymen were sworn in, to the moment when each of the five accused men was escorted from the chamber by the sergeant-at-arms.

The second part quotes from conservative and radical newspapers over the country, the letter from Charles E. Hughes to Speaker Sweet, the resolution from the association of the bar of the city of New York, and the resolutions of the Socialist assemblymen requesting information from the Lusk Committee.

The third part attempts to report impartially the trial which commenced thirteen days after the expulsion. The author quotes largely from both the prosecution and defense in order to give the reader an adequate view of the case. The proceedings of the trial alone consist of nearly 2,000,000 words so only the most relevant parts are quoted and the speeches of the counsel are much condensed.

The verdict of expulsion of the five socialist members, which was handed in on March 30, constitutes part four. In a statement given out to the press after the verdict, the expelled assemblymen include the following: "It (the Socialist party) will not be swerved from its historic course and mission. With greater faith and vigor than ever it will go on agitating, educating, and organizing the workers for peaceful social change."

L. H.

Occasional Papers and Addresses of an American Lawyer. By Henry W. Taft. New York, The Macmillan Co., 1920. Pp. 331.

The title aptly describes the contents of the book which are comprised for the most part of addresses given on formal occasions and reprints of articles from magazines and newspapers. The author discusses such subjects as the responsibility of the American lawyer, bolshevism, the league of nations, the railroads, recall of judicial decisions and state control of navigable waters.

The fact that most of the articles were written to be read before audiences may explain why there is little in them that is new or fresh. Mr. Taft feels heavily the responsibility of the lawyers, which he believes is primarily to inculcate respect for the law because it is law, and deprecates the modern tendency of members of the bar to become involved financially in the affairs of corporations for which they act. He feels that the lure of the flesh pots must be resisted if lawyers are to retain their ancient reputation for simple living and high thinking.

Mr. Taft is a thorough friend of the league of nations, even of Article X, "which prescribes for all the nations of the world a defensive policy similar to the Monroe Doctrine," but suggests, to avoid controversy, an amendment making a provision such as is contained in Article XIX respecting the tutelage of weak nations, to the effect that the primary responsibility for measures to prevent "external aggression" should rest with the nations who, by reason of location or vital interests, are most directly concerned. It would then be rendered extremely improbable that the United States would ever be drawn into war outside the western hemisphere over Article X.

One concession regarding sovereignty is made in favor of a league of nations which many lawyers have been unable to grant. Mr. Taft believes that the treaty calls for a surrender of our sovereignty similar only to that involved in making a mutually binding treaty. Many will object, however, that the traditional concept of sovereignty, which was in no way impaired by treaties, cannot be modified to give us a league of nations. Sovereignty is a lawyer's concept useful to him in fixing the final source of law and in describing the relation of government to its citizens. The use of the term in discussions of international government can only result in confusion. The old term does not fit this new situation and should be discarded.

H. W. D.

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Real Democracy in Operation: The Example of Switzerland. By Felix Bonjour. New York, F. A. Stokes Company, 1920. Pp. 226

This account of the government of Switzerland is written by an active participant who attained the prominence of president of the National Council, or house of representatives. The title might lead one to expect an essay on things in general, but, in reality, the chapters cover the fundamental topics in the constitution with emphasis on the powers of control actually exercised by the people. It is, in fact, a popular study of institutions, in which footnotes and the outward appearances of learning are avoided, but at the same time the opinions of learned lawyers and publicists are liberally quoted in the text.

The chapter on federalism in Switzerland can be read with profit outside of that country. The modern tendencies toward centralization have been very strong, and in such cases as the monopoly of alcohol and the nationalization of railways the general government has gone much further than in the United States. Yet it is perfectly clear that the preservation of the particular cultures of the French and Italian cantons and the rights of minorities everywhere are bound up in state rights. The term for this in Switzerland is "Federalism," employed in a sense quite opposite to American usage. In elementary and secondary education, direct taxation, poor relief, local organization and the greater part of public works, the sovereignty of the cantons is complete. Even certain central functions must operate through cantonal officials and the extension of these powers finds a jealous control in the popular referendum.

The subject of direct legislation by the people naturally occupies the greater part of the volume. The town meeting plan is discussed in a chapter on the Landesgemeinde. This ancient institution still holds in five cantons or half-cantons. Its possibilities are seen in the small size of these democracies. In four of them the number of electors ranges between 2,800 and 8,400, while the fifth and largest does not exceed 14,000. The attendance at the annual or semi-annual Landesgemeinde is large but never reaches those figures. The characteristic action of these meetings is to re-elect officials for long terms and to vote upon new projects with conservatism.

The referendum and initiative are treated in their various phases. If one were framing a bill to introduce these methods the technical information would better be sought elsewhere, but this account is well suited to explain how this popular lawmaking is conducted, and the consequences of its operation. The author's view is that the system, while not perfect, is an admirable expression of democracy. Mistakes have been made, but these in the course of a few years have been corrected by another vote. The amount of legislation actually voted upon is but a small percentage of the good law allowed to stand by tacit consent. Contrary to an opinion sometimes held the initiative and referendum do not render legislators irresponsible, but rather more careful as to the contents of their bills. No more mistakes have been made by popular votes than by representatives when left alone.

The author is opposed to proportional representation, but on theoretical grounds, rather than from any ills experienced in Switzerland. At one time the introduction of this device brought quiet into a very threatening political situation in the canton of Ticino, and its adoption elsewhere without need of a crisis is on the increase.

In view of the democracy in legislation, in the army and in administration in general the author as a citizen has all confidence in the progress and permanence of his country. Real democracy just recently stamped out the beginnings of imported revolutionary communism, and the war has brought out more distinctly than ever the unity of all sections in maintaining the integrity of their nation and in the pursuance of its ancient policy of neutrality.

The publishers do not state whether the book is a translation or not, but either the author or the translator has put the subject into vigorous idiomatic English much to be commended.

J. M. Vincent.

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The Unfinished Program of Democracy. By Richard Roberts. New York, B. W. Huebsch, Inc., 1920. Pp. 326.

The author begins with the searching question whether any economic change has elements of permanence if it be only economic, and answers it decidedly in the negative. The chief hindrance to the progress of democracy, he thinks, lies in our theories concerning it. We have so pinned our faith to the doctrine of biological evolution that we falsely assume that society is slowly but surely evolving toward perfection, while, as a matter of fact, human affairs are not governed by a law of predestined progress. They are affairs involving personality, and personality being dirigible, it behooves us to determine in what direction and to what end we desire society to develop. The society toward which we should aim should have four marks: first, in it every man should have the opportunity of a secure and sufficient physical subsistence; second, every man should have the chance to express his instinct for creation; third, the human impulse to sociability should have room to grow into vital and purposeful fellowship; and fourth, independent judgment and reflection should be stimulated and encouraged. "For these essential human impulses, freedom is the very breath of life. The initial problem of sociology is, therefore, the attainment of freedom."

But our attainment of freedom is at present made impossible by the current philosophy of profit-making to which our generation is habituated. "We go into business not to feed and clothe each other, but to make money. . . . Commerce, which owes its origin to social need, has almost wholly lost the social motive. If we are not making money ourselves, we hire ourselves out as money-making tools of others; and while some of us aim at larger profits, the rest of us hope for larger wages." The author points out how even Christian missions have been commended on the ground that they do pioneer work for the trader, and that the current repute of an artist is fixed by the prices his pictures command. And further, that those who most vehemently denounce the existing profit-making organization of society are still obsessed by the notion that social transformation is chiefly an affair of economic revolution. "Whenever we consent to the statement that the one thing needful to society is a more equitable distribution of the wealth which its industry produces, we are still within the same hopeless universe of discourse." More than any social or economic revolution we need a revolution in our thinking.

As with commerce, so with work, a new doctrine as a new practise is needed. Work must on the one hand be regarded as the participation in a social task, and on the other it should be made a means of worthy self-expression. It is obvious that in many branches of machine industry no chance whatever is given to the creative instinct, but the solution is not a return to handcraft, but a further development and organization of machine industry so that no member of society should be exempt from some part in mechanical production, and no member have to devote himself to such work for more than a very limited number of hours each day, and that the rest of his time be given to some self-expressing activity; and, moreover, that by education every citizen be fitted to engage in such an avocation. Further, the democratic control of industry is essential to that transformation of the status of the worker which is a needful accompaniment to any new doctrine of work. The progressive elements in the British labor movement show the most hopeful signs of intelligent leadership in this direction, and the author discusses their proposals at some length.

As with commerce and work, so with freedom of opinion, the organization of voluntary associations, the theory of the state, international relations, education; on all these democracy, if it is to live, must make some fundamental changes in its mode of thinking.

We profess our belief in the need of freedom of the mind, but the war-time attitude toward dissent from the majority (manifested in conscientious objection) in England and even more in America has shown us in how precarious a state our freedom in this essential is. Yet "a society incapable of dissent or of tolerating it has entered upon its last phase."

In the matter of the State the danger to democracy is that the now discarded dynastic tradition with its shibboleths of national prestige and the honor of the flag will be rehabilitated in the form of commercial imperialism, and patriotic sentiment be exploited in the interests of capital invested in foreign countries. It is this, together with trade-restricting tariffs and military preparedness, which will be a fruitful cause of international friction; hence the necessity for the organization of the world on the basis of reciprocity and co-operation.

Throughout the whole discussion, which touches not only on these but on many kindred topics such as the enfranchisement of women, the race problem, the treatment of criminals, our relations with Japan, the place of religion in society, Mr. Roberts realizes that the great essential in the preservation of democracy is education, and here again we need a conversion from our present doctrines and methods. In our schools to-day, "an attention is devoted to problems of discipline and order which is disproportionate to the real business of preparing for life in a democratic commonwealth."

"To-day the whole method of recruiting teachers and the conditions of the teaching profession tend to degrade teaching into a trade. If only teaching were rightly esteemed and its practitioners held in such honor as even judges, who do a much inferior work, are held," we might succeed in getting the kind of teachers needed. The teaching profession should have "the first call upon the human material in the community."

"The sum of the matter then is this, that the test of a true democratic education lies in the quality and power of the social vision it evokes in the growing child, in the measure of the power and capacity it gives to the child to share in the realization of the vision, and in this sharing to give to the child the inspiring and joyous promise of personal self-fulfilment."

J. A. Muller.

II. REVIEWS OF REPORTS

Report of the Federal Electric Railways Commission to the President, August, 1920. Pp. 30. —If the report of the Federal Electric Railways Commission is somewhat disappointing to those who lean strongly to the people's side in public utility questions, the report must be still more disappointing to the electric railway interests. The appointment of the commission was sought by the electric railways in the hope that the national government could be induced to lend its aid in obtaining higher fares all over the country, through the abrogation of local franchises where rates of fare were fixed and the predominance of state regulation over local control. The electric railways, as a whole, also advocated the adoption of the service-at-cost plan as the most satisfactory of all the possible remedies for street car ills, with fares to be automatically adjusted so as to afford a liberal rate of returns on a very liberal valuation of every property.

The railways were rewarded with a strong endorsement of the service-at-cost plan, while municipal ownership was unanimously rejected as a remedy too experimental and uncertain to be likely to succeed in the United States at the present time. But in the advocacy of the service-at-cost idea, the wishes of the electric railways were decidedly departed from in several important particulars. The commission leaned especially towards the public viewpoint in its conclusion on the subjects of valuation and capitalization, not only favoring original cost as the chief basis for determining the fair value of a property, but also recommending that companies should reduce their capital to values decidedly low if the commission's advice were followed. Indeed, the literal carrying out of the commission's recommendations might result in such a reduction of securities and such a moderate rate of return that many companies might actually prefer municipal ownership, if it meant selling out to the cities at such a liberal figure as was paid in Seattle and proposed in Detroit.

It is curious to find municipal ownership in this country termed an experiment in the report in view of the long record of successful operation of waterworks, sewerage systems, gas and electric utilities; of the enormous investment of New York, Boston and Philadelphia in municipal rapid transit lines and the decidedly successful electric railway operation in San Francisco and Seattle. The superiority of the municipal tramways of Great Britain over the privately owned lines, as to economy, efficiency, service and progressiveness is too well established to be questioned any longer. As Dr. Wilcox has forcibly pointed out, it is service-at-cost which is the real experiment, with only ten years of trial at the longest in Cleveland and a record of ten and fifteen cent fares in Massachusetts which seems to give considerable merit to the nickname of service-at-excessive cost applied by one well known public service commission.

It was too much to expect the commission to bring out the fact that higher fares have not proved the solution of electric railway problems and that the five cent fare is paying better returns today than ever before in places like Terre Haute, Indiana, which have universally adopted one-man cars. It was also too much to expect them to recommend municipal ownership as the only outcome which can assure the public adequate facilities and service and well planned extensions which will make our cities spread out indefinitely in healthful fashion at the lowest possible fare. The report has so much good in it and might have been so much worse that even the severest critic must feel that some progress has been made towards removing the most vital factor in municipal growth from the field of speculation and manipulation.

John P. Fox.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Detroit Charter Amendments.—At a special primary election of August 31, the Detroit charter, adopted in 1918, was amended in three particulars. The votes were as follows:

Board of supervisors	Yes—43,638 No—19,468
Recreation commission	Yes—41,741 No—19,936
Board of rules, building code	Yes—46,675 No—15,468

The first amendment was proposed because the law permits twelve supervisors for the first 100,000 population in cities; one supervisor for each 10,000 population additional up to 500,000; and one supervisor for each 40,000 population over 500,000. The present charter provided 37 supervisors, and the 1920 official census gave a population entitled to 65. Charter amendments require a two-thirds majority, and this amendment provided that the council should name the additional supervisors.

When the new charter was prepared, it seemed inexpedient to make radical changes in the city's departmental organization, although common practice indicated a tendency to abolish boards in favor of one man commissioners. Experience with a non-salaried, four-member commission suggested the advisability of this charter amendment, the first in this direction.

The charter provided that the building code might not be amended within one year after enactment, and thereafter within periods of two years each, with certain exceptions. These restrictions were principally intended to prevent the council allowing frequent exceptions to the code. However, to make a new code workable, frequent changes will be necessary at first and the amendment is designed to make these changes possible where found desirable.

In addition to the charter amendments, the voters approved by substantial majorities two bond issues, one for $12,000,000 for a water filtration plant and extension of the water system, and one for $25,000,000 for extension of the public sewer program made necessary through recent annexation of territory by the city.

C. E. Rightor.

Philadelphia Creates Bureau of Legal Aid.—Philadelphia's council has established in the city's newly created department of public welfare a bureau "for the purpose of providing legal aid and assistance for those who are in need thereof and who for financial reasons are unable to retain private counsel." Philadelphia now boasts of being the largest city in the country with a municipally supported legal aid bureau.

The ordinance directs the city solicitor to assign to the bureau such attorneys as the council may provide. In addition the bureau contemplates utilizing the services of students in the city's several law schools.

Work was begun August first. A hundred cases were handled in the first week. At the end of August new cases were coming in at the rate of two hundred a week. The bureau expects to make it a permanent policy not to handle negligence and divorce cases. Applicants for such assistance will be referred to the law association which in turn will recommend a reliable attorney.

An appropriation is available for paying costs in cases in which clients cannot meet them.

In addition to the legal aid bureau, and apart from it, the municipal court is about to establish a "small claims court" in which free legal assistance will be given.

Clarence G. Shenton.[1]

✣

Nebraska Constitutional Amendments Carried.[2]—A special election was held in Nebraska September 21, at which were submitted forty-one proposals for amending the constitution as prepared by the constitutional convention of last winter. Women were admitted to the polls upon equal terms with men. The vote cast was extremely light, not more than one-seventh of the total electorate. Twice as many men as women voted. The returns indicate that all the proposed amendments were adopted. The amendment which came nearest defeat was number 6, permitting the legislature to increase the membership in the state senate from thirty-three to fifty. This amendment was defeated in many parts of the state, but the Omaha vote gave it a large enough majority to overcome the adverse vote elsewhere.

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[1] *Bureau of Municipal Research of Philadelphia.*

[2] For a complete discussion of the amendment see the National Municipal Review for July, 1920; p. 421 *et seq.*

Labor union organizations in the state strongly opposed number 38 which allows the establishment of a court to determine labor and price controversies. A letter from Samuel Gompers was published in opposition to this. In spite of this the amendment seems to have carried by a large majority.

The American Legion opposed number 21, which provides that hereafter school lands may only be sold at public auction, if sold at all. Leaders of the American Legion wished this defeated in order to bring a bill before the next legislature giving ex-service men special privileges in obtaining school land. This effort also seems to have received no large support.

Opposition was also made to district election of university regents and judges of the supreme court, but both of these provisions were carried by good majorities.

In general, there was lack of interest in the amendments. Most of them were of small importance. The convention was dominated by conservative influences which refused to submit the more important proposals debated. The great gain from the convention and election is number 39 which provides that a majority of the electors voting upon future amendments to the constitution may adopt the same, provided said majority equals 35 per cent of the total vote cast at the election.

A. E. Sheldon.

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Current Developments in Municipal Ownership in San Francisco.—An interesting development in the municipal railroad field is concerned with taking over temporarily the operation of a defunct steam railroad serving certain important industrial properties in San Francisco. This road, the Ocean Shore railroad, when faced with the increased wages demanded under the recent award by the railway labor board, announced that it would accept no more business, and requested the railroad commission for authority to discontinue all service and tear up its tracks. This question has not yet been decided by the railroad commission. Meanwhile, however, some twenty industrial concerns of varying importance, with spur tracks served by the Ocean Shore railroad, were without railroad facilities, and found themselves seriously handicapped. The Ocean Shore refused to accept freight under any conditions for spotting on the spur tracks, and the city was appealed to. It was finally determined to turn over to the city for operation all of the lines of the Ocean Shore railroad within the limit of San Francisco that are electrified, the city to operate the electric locomotives and the shops of the Ocean Shore railroad without any rental charge to the city. Shippers located on the road agreed to pay the city any amount per car delivered necessary to cover the expenses of operation. The agreement is to continue for at least thirty days, and may be continued by mutual agreement for a longer period if the railroad commission has not at that time made a decision covering the application of the railroad for permission to discontinue all service and tear up its road-bed.

The platform men of the municipal railroad last October requested the board of public works for an increase in wages from $5 to $6 per day. The increase from $4 to $5 per day was granted in May of 1919, and in consequence the road has had to meet certain of the payments from its operating fund by transfer from its depreciation fund.

The matter of the $6 a day wage came up within the past few weeks, and was strongly urged by the building trades council and the labor council. They suggested that the difference in operating expense be financed by transfer from the depreciation reserve as had been done in the case of the last increase in wages. It was conclusively demonstrated that such a transfer would completely deplete the depreciation fund, and the representatives of labor left the meeting convinced that a raise in fare was the only solution of the problem. The mayor and the public utilities committee, however, announced that no increase in fare would be considered unless approved by vote of the people.

Paul Eliel.

⁂

North Carolina Revolutionizes Assessment Values.—The results of the revaluation of property in North Carolina ordered by the legislature last year have been astonishing. The total valuation of all property, real, personal and corporate, was increased three-fold or to a 100 per cent basis. The adoption by the legislature of the revaluation report of the state tax commission enabled a great reduction in the tax rate. The legislature has accordingly submitted a constitutional amendment reducing the constitutional tax rate limitation for state and county from 66⅔ cents a hundred to 15 cents. The legislature furthermore reduced the state tax for schools from 83¾ cents a hundred to 31 cents.

An income tax amendment will be submitted at the same election which, if adopted, will yield a heavy revenue for state purposes and fully replace the present direct tax, leaving all of the 15 cents per hundred available for county purposes.

An amendment to the municipal finance act reduces the borrowing limit of municipalities from 10 to 5 per cent of the total assessed valuation. This was deemed necessary because of the greatly increased property valuations.

✠

Governor at Odds with City Government During Galveston Labor Troubles.—The history, still in process of making, of Galveston's labor troubles and long occupation under martial law by state troops began with the strike, March 19, of coastwise longshoremen employed by the Morgan and Mallory steamship lines. Wage increase from 60 cents to 80 cents an hour was the demand which the unions presented on behalf of some 1,800 men. Coastwise shipping practically stopped and business all over the state immediately felt the effect. The Alamo, a Mallory line vessel, lay for weeks at the docks with spring merchandise from New York consigned to merchants over the state in her holds. Volunteer labor was tried to no avail and strikebreakers could not be obtained. The information became current and was noised upstate that men applying for work on the docks were intimidated and even beaten by the union pickets.

Late in May, in response to urgent demands from upstate consignees, the steamship companies imported crews of strikebreakers and began unloading their ships. The latter part of that month several automobiles containing non-union workers were stoned and the driver of one car beaten. When the Alamo was finally unloaded and the workers rushed to an interurban car, this car and one following it, not containing strikebreakers, was fired into on the outskirts of the city.

Repeated complaints had brought the situation to the attention of the governor and the Texas chamber of commerce. A meeting of the latter body was held in Dallas and Governor Hobby appealed to to take steps for opening the port to coastwise steamship traffic. A committee of Galveston business men went to Austin for the same purpose. The result of this situation was that the chief executive sent Adjutant-General W. D. Cope and Ralph Soape, the governor's private secretary, to Galveston to investigate the situation and report to him whether they deemed state troops necessary. The report was affirmative and on June 7, 1,000 officers and men of the first brigade of cavalry, Texas National Guard, arrived and took charge of the situation. Guards were posted and the steamship companies immediately availed themselves of the protection to recruit full dock organizations. Freight began to move.

The city administration denounced the governor's action and there have since been two legal proceedings to test the authority of the guard—one an injunction suit in the fifty-sixth district court and the other an habeas corpus in the federal court for release of a prisoner held by the provost guard. In both the guard has been sustained.

On July 14 the governor suspended the penal law enforcement powers of the city commission and the police department was taken over by the military. Since then these functions have been entirely in the hands of the guard, commanded by Brigadier-General J. F. Wolters. The governor's proclamation declared that the city police department was in connivance with the strikers and refused to arrest offenders.

Until Wednesday, September 1, Colonel Billie Mayfield was provost marshal. On that date he was removed by General Wolters and placed under detention as the result of a statement which he issued taking responsibility for an attempt to arrest G. V. Sanders, editor of the Houston Press, at the Houston Country Club, August 30. The actual attempt to seize Mr. Sanders was made by three lieutenants who, it later developed, acted under Colonel Mayfield's orders. The colonel's trial by general court martial began Tuesday, September 7, and was completed Wednesday night. The findings of the court will not be announced until reviewed by Governor Hobby. In a statement to the court Colonel Mayfield said that he had attempted the editor's arrest because of alleged "incendiary" articles appearing in the press regarding the Galveston situation.

✠

State Leagues of Municipalities Meet.—The twenty-first annual convention of the Pennsylvania league of cities of the third class was held in August at York, Pennsylvania. A novel feature was the holding of model sessions of a police court, a board of health and a city council conducted by various members of the convention. The league went on record as desiring a larger proportion of taxes collected by the state to be returned to the cities and greater home rule for municipalities. Ira W. Stratton, former mayor of Reading, Pennsylvania, who is the active head of the league, was re-elected vice-president.

The twenty-third annual meeting of the league of Iowa municipalities was held at Des Moines. The league took a decided stand against the creation of state commissions and adding to the present executive departments. In the opinion of the convention this is the most dangerous tendency in state government.

✣

Municipal Milk Plant for Jamestown, New York.—The people of Jamestown have recently authorized a bond issue of $150,000 to construct a municipal milk plant and distribution system. Mayor Samuel A. Carlson first recommended the plan to the common council seven years ago as a health measure. When first submitted one year ago it was rejected by the voters. Further investigation, however, convinced them that the only way to assure pure milk is through a central station controlled by the city.

The milk purchased by the city will be bottled in sanitary containers; all except that which comes from tuberculin tested cows will be pasteurized. It will be delivered directly to the consumers thus eliminating about seventy-five dealers who at present engage in milk distribution.

Construction of the plant will begin as soon as the bonds are sold. The success of the municipally owned water works, lighting plant, hospital and public market has made Jamestown optimistic as to the success of this newest venture.

✣

San Francisco Charter Amendment.—Two very interesting amendments will be submitted to San Francisco voters in November, one covering the reorganization of the police courts, and the other the reorganization of the school department. Both involve a comparatively new principle in municipal practice.

In the case of the school department, the board of education is to consist of seven members with seven year terms. At the first election following the approval of the amendment, the mayor will submit to the qualified voters the names of seven candidates nominated by him for the position of school director. The voters will have the opportunity of voting on the general proposition of confirmation of these appointees. If the appointment is not confirmed by a majority of the voters voting upon such appointment, the mayor shall fill the positions until the next election.

In the case of police judges, the same procedure is provided for with this additional provision, that incumbents may file with the mayor and the registrar of voters a declaration of candidacy for the succeeding term, and the name of the candidate must then be placed upon the ballot. In such a case the voters shall have the opportunity of voting upon the question "Shall the incumbent be continued in office." In case a majority vote "No," the mayor shall fill the office at the expiration of the term pending the next election. If the incumbent declines or fails to file his declaration of intention to become a candidate, the mayor shall nominate a candidate for confirmation by the electors in the usual way.

Paul Eliel.

✣

Woman Appointed to Toledo Cabinet.—With the appointment in September of Mrs. Prentice Rood as director of public welfare for Toledo, the mayor's cabinet for the first time counts a woman in its membership.

Opportunity for the appointment came when Mr. David H. Goodwillie resigned as director of public service, and Mr. Clarence Benedict, who had been director of public welfare, was appointed to succeed him. This left vacant the position of welfare director, and Mrs. Rood was selected to fill the place. The appointment was made by Mayor Cornell Schreiber. The department of public welfare is considered the one main department which a woman can supervise as well as a man. It contains the divisions of health, parks and boulevards, cemeteries, charities and corrections, recreation and amusements. It is the only department in which human problems predominate as contrasted with mere physical problems.

Mrs. Rood is the wife of an attorney. She has been prominent in club work for a number of years, and has long been active in civic affairs. She will receive a salary of $4,000 per year, the same salary as was given to Mr. Benedict, her predecessor.

Recent Rent Legislation.—The legislatures of New Jersey and of New York have recently held sessions specially devoted to the housing crisis and in both cases little was done in the way of a permanent solution.

The New Jersey legislature exempted from taxation new building for dwelling purposes erected during the next five years. Another act requires three months' notice to terminate a month to month tenancy unless the tenant in fact proves objectionable.

With the exception of an act allowing cities authority to exempt from direct taxation for a period of ten years new dwelling construction, the New York legislature confined itself to legislation modifying the relations of landlord and tenant. The most important act makes it impossible for landlords to evict tenants for non-payment of rent where the rent has been raised, and will require them to sue for recovery of the premises from the tenant. In the event that the tenant should set up as his defense that the amount of rent is unfair, the burden of proof that it is not is placed by the law on the landlord. The act applies only to cities of the first class or a city or county adjoining.

◆

Proportional Representation Defeated in Michigan Courts.—As we go to press word comes that the supreme court of Michigan has handed down an opinion on the Kalamazoo charter holding that section which provides for proportional representation for the election of council invalid. The balance of the charter is valid but the court decrees that a new election under the old system is necessary. The new council will probably be chosen at the regular election in November.

◆

Chicago Voters File Fifty-Word Petition.—The first stage of the campaign for the fifty-word law in Chicago, described in the September issue of the REVIEW, has been passed successfully by the filing of the necessary number of petitions. The question of the adoption of the law will now come before the voters at the November election.

II. JUDICIAL DECISIONS

Parks.—This was a taxpayer's action brought to enjoin the park commissioner of New York city from granting a revokable privilege for ten years to the Safety Institute of America, Inc., to use the old Arsenal building in Central Park as a museum of safety and sanitary devices. The lower court held this to be a valid grant and it was affirmed in the appellate division of the supreme court. The court of appeals has recently handed down its decision reversing these two prior decisions. In deciding the case the court held that "a park is a playground set aside for the recreation of the public, to promote its health and enjoyment; that it need not be a mere field or open space, but objects having no connection with park purposes should not be permitted to encroach upon it without legislative authority. To promote the safety of mankind and to advance the knowledge of the people of methods of lessening the number of casualties and avoiding the causes of physical suffering in premature deaths, is the purpose of the Safety Institute of America. To provide means of innocent recreation and refreshment for the weary mind and body is the purpose of the park system. The relation of the two purposes is, at best, remote." The *Columbia Law Review* of June makes an interesting criticism of the decision that was handed down by the appellate court, and in comment states: "The earlier cases breathing the social and economic philosophy of their day, declared that the establishment and the management of parks is of no concern to the state as such, but is a business which the city undertakes in its proprietary character. The power of the park as an agency for health and happiness in increasingly crowded cities has brought with it the realization that the state representing the general public is the source of the city's authority." Doubtless the proposed use of the park will be sanctioned by legislative enactment, but it is interesting to note the vigor with which the courts have maintained the use to which public property of this character is dedicated.[1]

◆

Effect of Charter Provision on Municipal Liability.—The charter of the city of Tulsa provided that no liability should exist for damages for injuries to persons or property arising from or occasioned by any public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the mayor or city engineer by personal inspection or notice at least twenty-four hours prior to the occurrence and proper diligence has not been used to rectify the defect. The court held that such provision so far departs from reasonableness as to amount to a denial of justice, and it is therefore void, and that the city is chargeable with notice of a dangerous defect in its streets, though actual notice may not have been given, if the evidence shows that such state has continued for a sufficient length of time so that the city by exercising ordinary care might have learned of its condition.[1]

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[1] 128 N. E. 121.

✣

Taxation of Non-Resident Property.—The assessors of Multnomah county made an assessment against Endicott, Johnson & Company, a New York firm, for "moneys, notes, and accounts" in the sum of $5,000. Application was made to the court for the annulment of the tax. The question turned upon the point as to whether the company had established a business situs within the county. The evidence showed that the company employed a traveling salesman to secure orders; that he was authorized to receive no money, and that the notes and accounts were actually held at the office in New York state. The court said that the power of taxation, though an inherent attribute of sovereignty, is limited to the taxation of persons, property and business situated within the territorial jurisdiction of the state imposing the tax; that although the obligations in question arose within the county, the power to tax money does not include the right to tax these obligations held outside the state, and that the annulment should be made.[2]

✣

City Control of Bus Lines.—The city of Seattle passed an ordinance regulating the operation of certain kinds of "for hire" motor vehicles and required that persons desiring to operate busses upon the streets, apply to the council for a permit. This afforded a complete control over the rate of fare, routes, etc. Plaintiff, a bus operator, files a petition in equity, praying injunctive relief upon the grounds that it violated the 14th amendment to the constitution, in that it "denies him equal protection of the law, disturbs his rights, and deprives him of his property without due process of law." Various questions were presented touching the right of citizens to the use of the busses, the methods employed by council in passing the ordinance, the legal status of a defendant city which is a competitor of the plaintiff's, etc. The answers made by the court are briefly stated in the syllabus:

"Under the constitution of Washington, and the Seattle charter, the city has control of its streets and can legislate with relation to their use in a reasonable manner. The right to use the public streets of a city for the operation of jitney busses thereon, as a private business, is a matter of privilege, not of right, and can be prohibited by the city or permitted under terms, including the regulation of fares.

"A petition to intervene in a suit to enjoin the enforcement of an ordinance regulating jitney busses by a resident who lived on a bus line, and who alleged that he purchased his property on the faith that the busses would continue to operate, and that the street cars gave inadequate service, does not disclose any vested right or interest not shared by the general public, and permission to file same will be withheld.

"The fact that a city owns the street railway system does not deprive it of its power in its legislative capacity to regulate the operation of busses, which compete with the city street railroads."[3]

✣

Zoning.—An ordinance of the city of Wilmington provided that no permit should be granted for the erection of a public garage in a residential district unless all the adjoining property owners file their consent with the building inspector. The validity of the ordinance was attacked, first, on the grounds that it was an attempted delegation of legislative powers, and second, because it was unreasonable, arbitrary, and oppressive. To the first contention the court applied the rule that "if the existence of the law depends on the vote or act of the people, it is an unconstitutional delegation of legislative power, but if the law is complete in and of itself, the fact that it provides for the removal or modification of its prohibition by the act of those most affected thereby, does not make it a delegation of legislative powers." Under this test it was held to involve no delegation of power.

To the second issue raised the court held that the ordinance was passed under the police powers or under the general welfare clause of

[1] 191 Pac. 186. *City of Tulsa* v. *Wells.*

[2] 190 Pac. 1109.

[3] 191 Pac.—

the charter; that it is a matter of common knowledge that a public garage is of a noisy and odorous character, and that the provisions of the ordinance are not arbitrary or unreasonable and therefore valid. This decision adds one more rule to the already tangled maze of laws governing zoning and provides some defense for the temporary ordinances often passed in advance of a more comprehensive law.[1]

◆

Public Utilities.—The Arizona commission said: "A public service corporation, that has entered the field as a common carrier and has served a locality for a considerable period, cannot, in justice to those who have made investments and plans, cease operation at its pleasure, even though temporarily it may not be earning a rate of return upon its property."

The Missouri commission said: "It is the duty of a railroad to render reasonable service. The question of the loss arising from the operation of a particular portion of the tracks of a railroad company will be considered in connection with its duties to the public in general and the productiveness of its operations as a whole. The commission has the power to compel a carrier to operate a portion of its road, even though such operation resulted in continued financial loss, unless it can be shown that such continued loss would hamper or prevent such carrier from maintaining adequate service on other portions of its lines."[2]

ROBERT M. GOODRICH.[3]

III. MISCELLANEOUS

National Municipal League Prizes.—The committee on prizes has announced that the William H. Baldwin prize of $100 for 1921 will be awarded for the best essay, not to exceed 10,000 words, on one of the following subjects: *Special Assessments* versus *Taxation on Serial Bond Issues for Public Improvements;* Organization of Administrative Departments along Functional Lines; Effect of Non-Partisan Elections upon Municipal Parties.

The prize is offered to undergraduate students registered in a regular course in any college or university in the United States offering direct instruction in municipal government. Essays submitted in this competition must be fowarded not later than April 15, 1921.

The Morton Denison Hull prize of $250 for the best essay on a subject connected with municipal government is offered to post-graduate students who are, or who have been within a year preceding the date of the competition, registered and resident in any college or university of the United States offering distinct and independent instruction in municipal government. Any suitable subject for an essay not to exceed 20,000 words may be selected by a competitor for the Hull prize provided it be submitted to the secretary of the league and approved by him at least thirty days before the time set for the close of the competition which is September 15, 1921.

Duplicate typewritten copies of all essays in either competition must be delivered to the post office or an express company not later than the date set, addressed to H. W. Dodds, secretary of the National Municipal League, 261 Broadway, New York city, and marked: "For the (insert here the name of the) prize." Competitors will mark each paper with a nom-de-plume and enclose in a sealed envelope the full name, address, class and college corresponding to such nom-de-plume.

For any additional details concerning the scope and conditions of either competition, inquires may be addressed to the secretary.

◆

Nominations for Officers and Council for 1921.—As required by the constitution the committee on nominations announces the following nominations for officers and members of the council of the National Municipal League for the year 1921. For president, the Hon. Charles E. Hughes; for honorary secretary, Mr. Clinton Rogers Woodruff; for treasurer, Mr. Frank A. Vanderlip; for vice-presidents, Richard S. Childs, Charles J. Bonaparte, George Burnham, Jr., Morton D. Hull, W. D. Lighthall, Meyer Lissner, A. Lawrence Lowell, Oliver McClintock, J. Horace McFarland, Samuel Mather, Charles Richardson, Julius Rosenwald, L. S. Rowe, Mrs. C. C. Rumsey, Albert Shaw and Theodore F. Thieme.

For members of the council, terms to expire 1921, Mrs. Caroline Bartlett Crane, Horace L. Brittain, H. H. Freeman, A. R. Hatton, T. H. Reed, Miss Edith Rockwood, A. Leo Weil, Mrs. Sidney C. Borg, R. T. Paine, Pierre du Pont,

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[1] 110 Atl. 847.

[2] 1920E P. U. R. 378.

[3] Detroit Bureau of Governmental Research, Inc.

C. A. Beard, Harris S. Keeler, Paul Eliel; terms to expire 1922, M. N. Baker, F. W. Catlett, G. B. Dealey, R. E. Tracy, Howard Strong, Lionel Weil, Lawson Purdy, Mrs. George Gellhorn, Miss Belle Sherwin, George L. Baker, Mrs. Carrie Chapman Catt, Herbert Croley, Ralph Stone; terms to expire 1923, Alfred Bettman, H. S. Buttenheim, Mayo Fesler, R. V. Ingersoll, W. B. Munro, H. M. Waite, C. R. Woodruff, E. C. Branson, William D. Foulke, Morris Black.

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Changes in City Manager Field.—Four Cities Added—One or Two Discontinued. Three small cities—Sturgis, Michigan; Cherokee, Oklahoma; and East Radford, Virginia—have recently adopted city manager charters, which become effective on appointment of city managers. The Sturgis election, held in July, was taken into court on the ground that the use of daylight saving time instead of standard time, invalidated the election. The court ruled, however, that the charter had been legally adopted. Fillmore, California, though not previously reported in these columns, created the position of city manager by ordinance in November, 1918, and C. Arrasmith is serving as manager. The Nebraska courts have declared ordinances creating the position of city manager without referendum to the voters, are contrary to law, and hence invalid. Consequently, the position of manager at Chadron ceased to exist September 15th, and it is probable the same ruling has affected Alliance.

Since the publication of the September issue of the National Municipal Review, the following appointments have been announced:

Richmond, California. James A. McVittie, formerly city auditor, was appointed city manager July 12th; salary $4,000, under the provisions of the ordinance adopted June 28th.

Boulder, Colorado. Scott Mitchell, a railroad contractor, has been chosen manager to succeed W. D. Salter, who recently resigned.

West Palm Beach, Florida. Karl Riddle, a twin brother of Kenyon Riddle, manager of Xenia, Ohio, has been appointed city manager at West Palm Beach, to succeed Joseph Firth. Mr. Riddle comes from Abilene, Kansas, where he and his brother maintained a firm of consulting engineers. His salary is $4,200.

Auburn, Maine. Horace J. Cook succeeds Edward A. Beck as manager. Mr. Cook was director of public service under Mr. Beck. He is a graduate of the University of Maine, and has specialized in municipal engineering. His salary is $4,000, which includes that received as superintendent of the Auburn sewerage district, a separate municipal corporation.

Pipestone, Minnesota. V. H. Sprague became city superintendent September 1, at a salary of $3,000. He succeeds F. E. Cogswell, who served for a period of more than three years.

Beaufort, South Carolina. John Collier, former city manager at La Grande, Oregon, succeeded Hal. R. Pollitzer as Beaufort's fifth city manager on September 1. Mr. Collier's promotion is the thirty-sixth case of the transfer of a manager from one city to another.

Hampton, Virginia. George L. Rinkliff, former secretary to the city managers at Springfield, Ohio, was appointed manager to take office September 1.

Lynchburg, Virginia. Edward A. Beck became Lynchburg's first city manager on September 1; salary $7,500. This is Mr. Beck's fourth city. He had previously served as manager at Edgeworth, Pennsylvania; Goldsboro, North Carolina; and Auburn, Maine. He is vice-president of the City Managers' Association.

Petersburg, Virgina. Louis Brownlow, commissioner of the District of Columbia for the past five and one-half years, has been appointed city manager of Petersburg at a salary of $10,000. Mr. Brownlow becomes the best paid manager in the country for a city of 31,000 population.

Portsmouth, Virginia. Col. J. P. Jervey was appointed city manager September 1 to succeed W. B. Bates, who had completed his three years' compact. Colonel Jervey is an engineer of long experience, and receives a salary of $10,000 in his new position.

Harrison Gray Otis.

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Waste Disposal in New York City.—During the summer the Brooklyn chamber of commerce, Mayo Fesler, Secretary, through its health and sanitation committee issued a study entitled "The need of a comprehensive system for the collection and disposal of municipal waste in New York city," and addressed it to the board of estimate and apportionment for its consideration. The present system of New York city is described and a new plan proposed. The systems used in other cities are also discussed briefly. It is a commendable piece of work.

CITY MANAGER MOVEMENT

PROGRESS OF THE CITY MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

Being the fifth installment of the series. The December chapter will be: "Borough, Town, and City Managers 'Down East.'" ::

V. PACIFIC COAST CITIES UNDER MANAGER GOVERNMENT

It can hardly be charged that the city manager idea is the possession of any one section of the country, since the four leading states are Michigan, Texas, Virginia and California—North, South, East and West. At present there are sixteen California cities claiming some variety of city manager government. Oregon with her single city manager is entitled to a bit of credit as La Grande was the first town west of the Rockies to adopt a commission-manager charter.

CALIFORNIA

Only six of California's cities have created the position of manager by charter. The others are for the most part cities of the sixth class and are not permitted under the state law to adopt "home rule" charters and have done the next best thing by passing ordinances providing for the position of manager. All classes of cities but this latter group are permitted to draft their own charters and the last legislature tried to extend this privilege to the smaller towns but the governor's veto postponed the movement. The largest city on the list, San Diego, does not belong in the group of real city manager municipalities, since its manager of operations, though commonly referred to at home and abroad as a city manager, has no control over many city activities usually supervised by the manager. Such cities as San Jose, Alameda and Santa Barbara, however, have done much to advance true commission-manager government.

San Diego's "Near Manager" Plan Succeeds

San Diego. Population, 95,000. Position of "manager of operations" created by ordinance May, 1915, in accordance with an amendment to the city charter. Wilbur H. Judy, the second manager, was appointed May, 1919; succeeded Fred M. Lockwood; salary, $4,000.

The bureaus under control of the manager of operations are inspection, engineering, streets, public buildings, pueblo lands, mechanics, water, sewers, and garbage collection. The combination of these bureaus under the supervision of a single executive is a long step toward the city manager idea and has produced satisfactory results. The past year has been a retrenchment period and the budget for the operating department was reduced $50,000, but out of added savings the manager was able to provide funds for extra work not authorized in the budget to the extent of $51,000 and finish the year with a $7,000 balance. The offices of city engineer and superintendent of streets have been combined with highly satisfactory results. A careful system of records is in operation and a series of valuable surveys and plans completed.

The transfer of tide lands from the city to the United States government in connection with the construction of the U. S. Marine Base and Naval Training Station, required extensive and careful engineering work on the part of the city.

The city farm on pueblo lands has recently been transferred to the operating department and 7,000 acres have been plowed and sowed to grain. The pueblo lands belonging to the city will soon be made very valuable by the construction of water transmission lines to furnish irrigation. The city cannot sell this land but will lease tracts for farm purposes.

All water service in San Diego is metered, 15,320 meters being in service, of which 1,359 were added last year together with an increase of nearly two miles of service pipes and mains.

In April, 1919, the people voted for "free" garbage collection and the problem of equipping and operating the new bureau of garbage collection has been satisfactorily worked out. Under the new plan the expenditures of the operating department have been materially decreased. During the "war year" 1918 they amounted to but $609,000 as compared to $964,000 for 1914, the year before adoption of the manager plan.

Mr. Judy is thirty-five years old, a graduate mechanical engineer with considerable experience in construction work.

Lowest Fire Loss in History

San Jose. Population, 40,000. Commission-manager charter effective July, 1916. W. C. Bailey, the second manager, succeeded Thomas H. Reed, July, 1918.

The city manager reports as follows:

> The greatest problem in San Jose, for the last year has been to make ends meet.
>
> Like many other cities the tax rate is limited by the charter to $1.00. The assessing is done by the county assessor so that it is impossible for the city to raise the assessment or the tax rate. In addition to the regular tax the city formerly received from $75,000 to $100,000 a year excise license. Thus with a limited income and increasing war prices it has been a herculean task to maintain service and pay the bills.
>
> San Jose is on an absolute cash basis and no bill is contracted until there is money in the treasury with which to pay.
>
> Under such circumstances the following figures are self-explanatory:
>
> For the first year under the city manager plan, 1915–16, the receipts were $433,423, with a disbursement of $435,201.
>
> For the fiscal year ending December 1, 1919, the receipts were $404,250, with a disbursement of $375,542.
>
> Thus it will be seen that though our receipts are about $30,000 less than they were four years ago, our disbursements are about $60,000 less;—this in the face of prices almost double what they were four years ago.
>
> We actually enter the fiscal year of 1919–20 with an unencumbered balance of $42,000, which added to our tax receipts and some business licenses will carry us through this present critical year when our entire excise tax is cut off.
>
> All of the service of the city has been maintained in practically normal condition. As an evidence of the efficiency of our fire department our fire loss for the year is 50 cents per capita, the lowest in the history of the city, and extremely low when compared with the United States average.
>
> All branches of the city government are running smoothly and efficiently, and as soon as arrangements can be made for securing more income, our organization is in such shape that we will be able to do those things for civil betterment which a real city manager form of government has the opportunity to accomplish.

During a temporary financial stringency Mr. Bailey contributed $150 of his own salary a month toward the expenses of fighting the influenza epidemic. He is a graduate doctor of medicine and was formerly president of the San Jose Chamber of Commerce and has had a successful business career.

Marked Economics at Alameda

Alameda. Population, 20,806. Commission-manager charter effective May, 1917. Charles E. Hewes, manager; salary $5,000.

A comprehensive zone ordinance dividing the city into eight classes of districts has been adopted and is now in operation. Some of the features of this ordinance include the prevention of the construction of any form of business structure within residence districts; the prohibition of erection of residences in industrial areas and the segregation of odorous and otherwise obnoxious businesses into certain definite limits.

Some five acres of added parklands have been purchased on the "pay as you go" plan. Payments will be made in four annual installments. Tree trimming has been placed on a scientific basis resulting in added beauty to the trees and enjoyment to the citizens.

The weed cleaning ordinance has been strictly enforced, the work done at minimum cost and charged to the property owner, and all park areas and vacant lots kept clean.

Prior to 1919, street sweeping was done by contract at a cost of ten cents per thousand yards. This year it has been handled by the street department at three and one half cents. Under the contract system the maximum number of sweepings in any street was three a week. Now the principal streets are swept twice a day and practically five times the previous area is now kept clean. The total cost of street cleaning, in spite of increased prices of labor and material, is less than 44 per cent of the cost under contract.

Garbage has been sold under contract to a hog raising firm at $3.50 per ton at the city dumping ground. This revenue amounted to $1,525 which, added to the saving of $480 formerly paid for a dump supervisor, nets the city over $2,000.

The street department equipment is being motorized and besides yielding a material increase in volume of work performed there has been a saving of some 25 per cent on cost of operation. In street repair work better materials have been used and the price of labor has been increased, yet there has been a saving of some $200 per square mile effected by efficient methods.

An intensive study of the water supply problem is being made.

Tubercular cases, cases of extreme poverty and general social welfare have been given careful attention. The work of the health visitor has been quite extensive and has given "a human touch" to the city's work.

Mr. Hughes is thirty-six years old and a civil engineer. He served as city manager at Alhambra, California, from July, 1915, to May, 1917. He writes: "The new plan of government is working out very well. The general public appears to be satisfied and we are frequently receiving volunteer comments approving both the scheme and the work done. I am fully satisfied that the citizens of this city would not now consider any other form of government."

Public Safety and Health Increased

Santa Barbara. Population, 19,441. Commission-manager charter effective January, 1918. The third manager, Fred L. Johnston, was appointed March, 1920; salary $4,000.

Santa Barbara has been growing rapidly and during 1919 the increase in valuation exceeded $2,500,000. Due to increased prices and a larger program of construction the tax rate for 1919 was increased 18 cents per hundred. The 1920 budget reduces the tax 12 cents although the county tax for the same period is to be raised 60 cents.

The fire department has been brought to a high state of efficiency and call men are being replaced by full paid firemen. The fire loss per capita last year amounted to but 19 cents and the percentage of loss to values involved less than .004, a remarkable record. The spare time of the firemen is utilized for city work. The men have remodeled the old park station, designed and built a heating plant for the jail, designed and constructed sanitary iron beds in the cells, designed and made street signs for the entire city and painted the city automobiles. The estimated saving thus effected totals $4,800.

Infrequency of arrests may either indicate a shiftless police force or a well behaved public. In Santa Barbara the figures have both meanings, but at different times. A reorganization of the police department brought about a period of strict law enforcement, as indicated by the reports. In October, 1918, under the old régime, 136 arrests were made. In November, the first month under the new régime, the arrests numbered 219 and in December 238. As a result of the severity and vigilance violations of law immediately began to decrease. January showed 220 arrests; February 198; March 185 and so on until June, 1919, there were but 130 arrests necessary, many of them merely for minor traffic violations.

Prevention of crime is emphasized. To quote the police rules "it is greater credit to arrest crime than to arrest criminals." The bureau of criminal identification is an important part of the police department and the local files contain some ten thousand prints and photographs.

All purchasing has been centralized in the manager's office and the city has a general storehouse, automobile repair shop, motor repair shop and blacksmith shop.

In an effort to reduce infant mortality, a public clinic has been established. Over two hundred babies were treated with most encouraging results.

A shortage in the water supply during the year made it necessary to restrict the sale of water with a consequent loss of revenue. The Gibraltar Dam was completed in November and the city is now safeguarded against the repetition of such shortage. Some two and one half miles of 10-inch and 18-inch redwood pipe were laid in 1919 and 103 new surface connections made.

The city has purchased and operated an asphalt plant and is now able to eliminate the disagreeable feature of having to wait until repair work has piled up sufficiently to make the employment of a contractor worth while. Paved streets are kept in good condition. Unpaved streets have been vastly improved as the city has purchased a 12-ton gasolene road roller, a grader and a scarifier.

Construction of a sewage disposal plant has solved a most serious health problem, by keeping the beaches clean. Heretofore the shore has been covered by sewage washed back from sewer outfall. "The condition was filthy in the extreme and a menace to health." Since installation of the plant, this condition has been completely cured, and the ocean front of Santa Barbara is one of the cleanest on the coast.

The annual report, published in July, 1919, is well illustrated, makes excellent reading and indicates that Santa Barbara has a modern scientific, accounting system.

Robert A. Craig, who served as

manager until January, 1920, is thirty-seven years old and a graduate mechanical engineer. He was manager at Phoenix, Arizona, for four years prior to his appointment at Santa Barbara.

Bakersfield Makes Good Record

BAKERSFIELD. Population, 18,638. Commission-manager charter effective April, 1915. F. S. Benson, the second manager, who was appointed May, 1917, served till May, 1919, and was reappointed July, 1919; salary $4,000.

During the past year, Bakersfield has:

Increased the salaries of the city employees;

Established two-platoon system in fire department;

Constructed two and one-half miles of paving;

Completed thirty-four blocks of grading and oiling;

Let contract for two new sewer districts;

Operated free dental clinic for school children;

Established a day nursery;

Re-established a free employment bureau;

Opened up free automobile camp ground with kitchen, dining-room and other conveniences;

Enlarged its parks;

Paid special attention to public health with the result that there have been no epidemics and the city schools have not been closed on account of illness.

The city has kept within its budget without voting bonds or special taxes and without handicapping any department.

Mr. Benson is fifty-six years old. He was a school teacher for ten years and later served as county official. He is trained as an accountant, newspaper man and ran a ranch for seventeen years.

A Clearing House for Trouble

GLENDALE. Population, 11,500. Position of manager created by ordinance May, 1914. T. W. Watson, manager; salary $2,400.

At the time of adopting the manager plan Glendale had a population too small to permit its drawing up a commission-manager charter. The population has gradually increased, however, and there is now a definite movement on foot to replace the present plan by one conforming more nearly to the standard type.

In a recent address the mayor of Glendale refers to the office of the city manager as "primarily a clearing house for trouble"—"the board is not confronted with many small difficulties that arise in the administration of the city's affairs. These are handled by the manager so that the board can meet at the regular sessions and transact such business as is required without spending hours going into small details which would otherwise be the case."

Practically all city departments are now supervised by the manager, his powers and duties having been increased from time to time.

Glendale has a modern budget system; a practical system of assessment for public work and gives immediate attention to complaints and requests for information.

Mayor Muhleman concludes his address: "The city manager plan as applied to Glendale is in every way successful. It operates to save money for the taxpayer, it augments the service of every officer and employee of the city and put in the hands of a careful man, a good executive officer, and a man of vision, such as Mr. Watson, our city manager, redounds to the benefit of every citizen in the city."

Glendale has voted upon the improving of its water system. Electric equipment is being purchased and plans are under way for installing a municipal telephone system.

Mr. Watson had no special training for his new profession other than a general acquaintance with city affairs.

Many Ways of Saving Money

Alhambra. Population, 10,000. A modified commission-manager charter became effective July, 1915. Grant M. Lorraine, the third manager, was appointed January, 1917; salary $2,700.

Shortly after the manager plan was established the city purchased a water system. The transaction was so well handled that the value acquired by the city is approximately $25,000 in excess of the purchase price. The cost of operation averages $14,100 less per year than when the plan was privately owned. It is estimated that during the three years, business methods of conducting city work have resulted in a saving of $11,800 and other adjustments recently made are earning in addition to this more than $3,500 per year.

Installation of a master meter in the power plant produces a saving of $2,000 per year. By establishing a scientific method of handling interest and sinking funds of the water works bonds there will be a saving to the city estimated at $30,240 during the life of the bonds as compared to former methods of handling such matters.

Careful investigation showed that it was costing the city 22 per cent per year to maintain streets. Methods have been changed and the ultimate saving is placed at $4,100 per year. Modern equipment has been purchased for the street department and the saving brought about represents more than 50 per cent profit on the investment.

The manager concludes a recent report: "In my opinion, the employment of business-like methods and the co-ordinated development of city problems is more readily accomplished under the city manager plan than under the old form of government."

The Alhambra charter differs from the usual type in following more closely the old style commission plan, placing members of the commission at the head of the various departments, thus minimizing the usual powers of the city manager. In fact, it was once charged by a former manager that politics occasionally enter into Alhambra's city government, in an attempt to make of the city manager "only a rubber stamp for the conduct of the city's business."

Mr. Lorraine is thirty-nine years old, a civil engineer and served as city engineer and street superintendent in Alhambra for some time before being promoted to the managership upon the resignation of F. L. Hilton.

Abolish Vice and Clean Up City

Pittsburg. Population, 7,000. Position of manager created by ordinance September, 1919. Randall M. Dorton, the second manager, was appointed November, 1919; salary $3,000.

A recent editorial from a Pittsburg paper indicates that the city manager not only conducts municipal affairs but already has become a community leader. He is credited with having organized a chamber of commerce and a chapter of the American Legion and with having been largely responsible for the carrying of an election authorizing $440,000 worth of bonds for municipal improvements.

Law enforcement has started by cleaning up of the gambling dives, removing slot machines, enforcing the pool room ordinance, abating houses of prostitution, enforcing the garbage ordinance and attending to "many minor evils and nuisances" to the end that the city is fast being made a cleaner and better place in which to reside and raise a family.

Incidentally, "the fines paid into the city treasury in the past few days amounted to enough to pay the salary of the city manager for the entire time of his occupancy of office."

Revenue is being secured from sources hitherto overlooked and finances have been placed on a sound budget basis.

The proceeds from the bonds will be used to construct a city hall and memorial library, street and sewer improvements and purchase equipment for the fire and street cleaning departments.

Mr. Dorton is twenty-eight years old, a graduate in political science, served as captain overseas, and was executive secretary of the Oakland War Camp Community Service at the time of his appointment.

Add $1,000,000 to Rolls by Scientific Assessments

Redding. Population, 5,000. Manager plan created by ordinance October, 1918. Ernest A. Rolison, manager; salary $2,400.

As is often the case, the position of manager at Redding has been largely a matter of evolution, thus Mr. Rolison had charge of many of the city's departments from January, 1916, and as his duties were increased the position of manager was created largely to name a job already effective.

Confronted by a loss of revenue resulting from prohibition, Redding called in tax specialists to revise the assessed valuations with the result that the tax roll has been increased from $1,500,000 to $2,500,000 and the loss has been more than compensated. A modern budget system has been placed in operation.

During the past year an extensive paving program has been carried out and streets gradually improved by means of modern equipment.

Health has been conserved by establishing a mosquito abatement district and by enforcing the purification of the city water supply with the result that there has not been a single case of typhoid in four years.

The municipal summer resort proved popular last summer and the city is now constructing a ten acre park which will contain an automobile camping ground, baseball park, athletic track and playground.

Mr. Rolison is 34 years old and trained in electrical and civil engineering.

Less Waste of Time and Money

Anaheim. Population, 5,526. Ordinance creating position of manager passed November, 1919. O. E. Steward, manager.

As in the case of Redding, Anaheim has given the title of city manager to its former city engineer and superintendent of streets at the same time increasing his duties to cover other departments. The manager writes:

"We are keeping the city business in continual operation. There are no periods of waiting between meetings of the board of trustees. We are accomplishing things in a much shorter time and at less expense than under the old method. There is no opposition manifest."

Anaheim is making rapid progress in the field of public welfare. A twenty acre public park has recently been presented to the city and municipal band concerts are proving popular. Plans for a civic center will be presented at an election soon.

Manager Plan by Evolution

Coronado. Population, 2,500. Ordinance creating position of manager effective January, 1920. G. F. Hyatt, manager; salary and fees $2,100.

Coronado furnishes another example of a town which developed the position of manager by evolution. Mr. Hyatt has served as city engineer since September, 1918, and his duties increased so that his present position is new in name only although a few added responsibilities have been placed upon him.

Mr. Hyatt is twenty-six years old, an engineer trained in municipal work.

A Decided Success

Paso Robles. Population, 2,000. Manager plan created by ordinance April, 1918. William Ryan, the second manager, was appointed April, 1919; salary $2,000.

The plan is reported as having proved "a decided success" and the manager has been retained for the coming year at increased salary. Municipal improvements to the amount of $175,000 including extensive street paving and the construction of an electrolier system are under way.

Mr. Ryan is forty years old and a mechanical engineer.

South Pasadena. Population, 5,600. Manager plan adopted by ordinance January, 1920, effective March 1, 1920, with R. V. Orbison as manager.

Richmond. Population, 10,000. An ordinance creating the position of manager was passed in June, 1920. J. A. McVittie, the manager was formerly city auditor. His salary is $4,200.

Fillmore. Population, 2,000. The position of manager was created by ordinance in December, 1918. C. Arrasmith, the manager, serves also as clerk and recorder.

Avalon. A. B. Waddingham is serving as city manager under provisions of a local ordinance.

Salinas. Population, 4,000. City manager charter was adopted last summer and gives the council the power to appoint a manager "if they think it beneficial to the interest of the city." No manager has been appointed to date, but recent newspaper clippings indicate that one will be soon.

OREGON

Debt and Taxes Reduced

La Grande. Population, 6,913. Commission-manager charter effective October, 1913. George Garrett, the fifth manager, was appointed June, 1920; salary $3,000.

The annual report of La Grande for 1919 shows that since the new plan was adopted the bonded indebtedness has been reduced from $275,000 to $190,000, and the tax rate decreased from 17.5 to 12.4 Under the old system the city had a floating debt of over $100,000, the city warrants were discounted 10 per cent and the bank reluctant to take them at any price. Now no expenditure is allowed without due authorization and funds in the bank to cover. During 1919 the city paid off $50,000 municipal bonds, reduced the floating debt $25,000 and liquidated $50,000 improvement bonds not included in the totals mentioned above.

Camping grounds for tourists, a golf club and use of school property for playgrounds and social centers are projects now under consideration. During the year there have been no disastrous fires and the per capita loss was less than $1.00. The fire department has been improved.

A municipal employment bureau is in operation and serves also as a clearing house for complaints and public information.

Mr. Garrett is a municipal engineer, thirty-four years old. He succeeded John Collier.

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ADMINISTRATIVE REORGANIZATION IN ILLINOIS

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ADMINISTRATIVE REORGANIZATION IN ILLINOIS[1]

I. ADMINISTRATIVE CHAOS UNDER STATE BOARDS

The civil administrative code of Illinois, enacted in 1917, is probably the most important step taken in that or in any other state in the direction of a more efficient and better integrated state administrative system. It has attracted attention and aroused interest all over the country and has been studied and, to some extent, copied in a number of other states. Much has been written about it at different times and in different publications, but it is believed that it would be useful to collect together in one place some of the more important facts and considerations regarding the experience of Illinois in the adoption and putting into effect of the state administrative organization provided under the code.

In order fully to understand the significance of the code, it is necessary to consider the main features of the situation as it existed prior to its enactment. One of the most conspicuous developments in state administration in Illinois, as in other states, during recent decades, has been the creation of numerous administrative agencies, known collectively as state boards and commissions. As early as 1897 the evils of too many state boards were perceived and warned against by the president of the state bar association. "While many of these boards are necessary," he declared, "yet the increase is surprising, and indicates a tendency to multiply the tax-eaters at the expense of the taxpayers." In 1909 a committee of the house of representatives, appointed to investigate the charitable, penal, and reformatory institutions, recommended that these institutions be consolidated under the management of one board of control. A special senate committee also made a similar report. The result was the passage of a law bringing the various state charitable institutions under the management of the state board of administration. In 1913 the work of the fish commission and the game commissioner was consolidated, and a game and fish conservation commission was created to perform their functions. The results of these consolidations were undoubtedly in the direction of greater economy and efficiency. This is illustrated by the fact that the total appropriations asked of the 1915 legislature by the separate charitable institutions, as stated in the so-called budget of the legislative reference bureau, amounted to more than a million and a half dollars more than the total appropriations requested for all these institutions by the state board of administration.

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[1] The text of the code is found in Illinois Session Laws, 1917, pp. 2–36. Other sources of information which have been used in the preparation of this paper are: the First Annual Report of the Directors under the Civil Administrative Code, 1918; Second Annual Report of the Director of Finance, 1919; Illinois Blue Book, 1919–20, pp. 5–45; Testimony of Governor Lowden and Director Wright before the United States House of Representatives Committee on a National Budget System, Hearings, 1919, pp. 3–47; personal interviews with various officials in the State House, especially the Director of Finance, Mr. Omar H. Wright; Illinois Constitutional Convention Bulletin No. 9, on the Executive Department; State of Illinois, First State Budget, for the biennium beginning July 1, 1919, submitted to the fifty-first general assembly by the governor; and the Illinois Centennial History, vol. v, chap. xi, by the present writer, extracts from which are herein reproduced. The chart on p. 749 is reproduced from A. E. Buck's "Administrative Consolidation in State Governments," supplement to the NATIONAL MUNICIPAL REVIEW, November, 1919, p. 644.

In spite, however, of these partial improvements in organization, the main body of the state administrative agencies showed little evidence of unified design or systematic planning, but consisted of a complicated mass of separate and disjointed authorities, operating with little reference to each other or to any central control. The investigations of the Illinois efficiency and economy committee in 1914 showed that, at that time, there were more than a hundred separate agencies of this character in the state. The large extent and varied conditions found in the state, together with its prominence in agriculture, industry and manufacturing, operated as one of the principal causes in producing this extraordinary number of such agencies, which was surpassed by only two or three states in the Union. The expansion of the state administration through the creation of boards and commissions is in large measure due to the practical necessity that the state shall undertake new functions for the regulation of new conditions. Mere legislative action for this purpose was rightly deemed insufficient and administrative agencies were therefore created. Among the more important matters which were brought under the supervision of control of state boards may be mentioned public health, charities and corrections, education, equalization of taxes, public utilities, agriculture, and the civil service.

The internal organization of state administrative agencies has been subjected to close control by the legislature, both through the passage of laws creating the boards, prescribing their powers and providing for the number of their staffs and employees and also through the power of appropriating the necessary funds for paying the salaries and expenses. The general assembly began, in 1895, the practice of itemizing the appropriations so that such acts usually enumerated the various offices and employments under each board, specifying the exact salary to be paid each officer and employee. They also frequently went into great detail in specifying the exact sums that might be disbursed for each item of expense. Thus, the general assembly of 1915 appropriated to the state industrial board $364 per annum for towels and $60 per annum for ice and water. In many cases, however, a lump sum is also appropriated for contingent expenses, as it is impossible for the general assembly to foresee in every case all financial needs that may arise. In 1917 a plan was formulated which seeks to adopt a uniform classification for all appropriations.

State administrative agencies created by legislative authorization have, for the most part, been organized on the collegial principle. Provisions have also frequently been embodied in the law requiring minority representation on state boards. This practice, however, tends to divide responsibility and has been condemned by the efficiency and economy committee on the ground that it facilitates bi-partisan combinations for the control of the offices at the disposal of the board. It has also been observed that the device of bi-partisan representation "enables those boards to be particularly successful in securing large appropriations, . . . and also enables them without great difficulty to thwart any threatened investigation," for the "washing of dirty linen" in public would be equally injurious to the interests of both parties. In the case of the former state board of equalization, the collegial principle was apparently utilized for the purpose of giving representation to the different geographical sections of the state.

Moreover, the various state boards were not very well articulated with each other and with the other agencies and departments of the state government. The members of state boards are usually appointed by the governor with the advice and consent of the senate. But the device of gradual renewal or overlapping terms of such members hampers somewhat the control which the governor might otherwise be able to exercise over them. Moreover, the relations between different boards having to do with closely related services were not carefully worked out, with the result that some matters were either inadequately regulated or escaped supervision altogether.

In addition to the above difficulties and evils which have grown up in connection with the board system, it has been noted that the expenditures of the state government have increased hand in hand with the increase of state boards. The biennial appropriations grew from approximately sixteen million dollars in 1905 to about forty-six million dollars in 1915. In the former year this was about three dollars per capita; in 1915 it was about seven and one-half dollars per capita. Of the amount appropriated in 1915, about fifteen million dollars annually were to be expended by state boards and commissions. Much of this increase was, of course, due to the general rise of prices and the consequent increasing cost of carrying on governmental operations. It has also been due in part to the assumption by the state of expenditures for new purposes, such as increased state aid to education, charitable administration, and the promotion of good roads. There was a growing feeling, however, that much of this increased cost of running the state government was due to the increase of state boards, the cumbrousness of governmental machinery, duplication of work, and uneconomical methods of discharging public functions. The realization of these facts led to a movement for the abolition of useless boards and the consolidation of others into a more logical and unified system.

II. STEPS TOWARD REFORM

In his farewell message to the legislature in January, 1913, Governor Deneen suggested the creation of a commission for conducting an "investigation of plans for the co-ordination of existing boards and commissions whose duties overlap or are so similar as to permit of unification and reduction in number while improving their methods and the economy of their administration." Accordingly, by joint resolution of the 1913 legislature, a joint committee, composed of four senators and four representatives, was created "to investigate all departments of the state government, including all boards, bureaus and commissions, . . . such investigation to be made with a view of securing a more perfect system of accounting, combining and centralizing the duties of the various departments, abolishing such as are useless and securing for the state of Illinois such reorganization that will promote greater efficiency and greater economy in her various branches of government." An appropriation of $40,000 was made to carry out the investigation, which was later supplemented by a further appropriation of $10,000. During 1914 the structure of the board system was subjected to an elaborate examination by the efficiency and economy committee. A director was appointed in immediate charge of the work, who selected a staff of expert investigators. Numerous hearings were held and a final report was issued in a volume of more than a thousand pages, constituting the most exhaustive study of state administration that had been issued up to that time.

As a result of its investigations, the committee reached the following conclusions in regard to the administrative disintegration produced by the board system:

> Under the existing arrangements inefficiency and waste necessarily arise from the lack of correlation and co-operation in the work of different offices and institutions which are carrying out similar or closely related functions. There are separate boards for each of the state penitentiaries and reformatory and for each of the state normal schools. There are half a dozen boards dealing with agricultural interests and about a score of separate labor agencies, including four boards dealing with mining problems and eight free employment offices, each substantially independent of each other. State finance administration is distributed between a number of elective and appointive officials and boards without concentrated responsibility. The supervision of corporations and of banks, insurance companies and public utilities is exercised by a series of distinct departments. State control of public health is divided between various boards with no effective means of coordination. Nor is there any official authority for harmonizing the work of the numerous educational agencies.

With regard to the lack of effective supervision and control over the numerous boards, the findings of the committee were as follows:

> As a result of the absence of any systematic organization of related services, there is no effective supervision and control over the various state offices, boards and commissions. It is true that the great number of these are under the nominal supervision of the governor, through his power of appointment and removal. But the very number of separate offices makes impossible the exercise of any adequate control. To a very large extent each authority is left to determine its own action; conflict of authority between two or more offices is often possible; and if harmony and co-operation is secured it is by voluntary compromise rather than by the advice or decision of a superior authority. Under the present arrangements too many independent authorities have power to make expenditures subject to no effective centralized control or responsibility. This situation necessarily leads to waste and extravagance.

As a result of its findings, the committee recommended the enactment of laws which would introduce greater economy, efficiency, and concentration of responsibility into the state administration. In particular, the committee recommended the enactment of laws providing for the consolidation and regrouping of the administrative services into ten principal departments, namely, those of finance, education, law, trade and commerce, labor and mining, health, agriculture, public works, charities and corrections, and military affairs. Some of these departments were to be under single heads, appointed by the governor; others were to be under boards, while the attorney-general, a constitutional officer, was to be at the head of the law department.

At the next regular legislative session, that of 1915, after the report of the committee was submitted, bills were introduced designed to carry out the recommendations of the committee, but very little was done at that session toward putting the recommendations of the committee into effect. The most important act actually passed was one providing for the appointment by the governor and senate of a superintendent of printing and providing for systematic methods in contracting for the purchase of printing and stationery. To have carried out the recommendations in a thoroughgoing fashion at that time would have involved the abolition of many positions in the state service which, however useless such positions might be, could not be done without arousing powerful opposition from the officeholders affected. Instead of consolidating or abolishing administrative agencies, the legislature of 1915 created about a dozen new and independent boards and commissions. Two years later, however, the conditions were more propitious. In the campaign of 1916 the candidates for governor vied with each other in advocating the carrying out of the program of reform in state administrative organization recommended by the efficiency and economy committee. The platforms of the two leading parties, adopted in September of that year, each contained planks on the subject. The Democratc plank declared in favor of the "enactment of laws for the consolidation of the different commissions of the state, as recommended in the report of the efficiency and economy commission." The Republican plank favored the "consolidation of the boards, institutions and different departments, thereby eliminating useless and unnecessary offices and positions, avoiding overlapping functions and increasing efficiency."

III. THE CIVIL ADMINISTRATIVE CODE ADOPTED

Immediately after his election Governor Lowden had prepared a tentative draft of the consolidation bill and began to take energetic steps to carry out this plank of the Republican platform. In his inaugural address to the legislature in January, 1917, he declared that "one of the imperative needs of the state is the consolidation of its multiplied agencies into a few principal departments. . . . Administrative agencies have been multiplied in bewildering confusion. They have been created without reference to their ability, economically and effectively, to administer the laws. Separate boards govern the penitentiaries, the reformatories, and the educational institutions. Several boards and commissions have charge of matters affecting the agricultural interests. Administration of laws affecting labor is parceled out among numerous agencies, each independent of the other. Our finance administration is chaotic, illogical and confused. The administration of the health laws is divided between boards and commissions, with no effective means of co-ordination. Our educational agencies are not harmonious. Over one hundred officers, boards, agencies, commissions, institutions, and departments are charged with the administration of our laws. No systematic organization exists and no adequate control can be exercised. Diffusion, rather than concentration and responsibility, mark our system." Governor Lowden gave his program for the consolidation of administrative agencies the right of way during the first few months of his term and declined to allow other matters to interfere with it. He shrewdly declined to make appointments to fill places under the old administrative organization as this would have greatly increased the difficulty of adopting the simplified plan and possibly have entirely killed all chance of success in putting it through the legislature. Under the skillful leadership of the governor, however, the consolidation bill was introduced shortly after the beginning of the session, referred to separate or special committees constituted in each house to consider it, and passed both houses by substantial majorities and went into effect July 1, 1917.

The consolidation act or civil administrative code follows in the main the recommendations of the efficiency and economy committee, but with certain modifications. While the committee had recommended the creation of ten principal departments, the code provides for only nine, as follows: finance, agriculture, labor, mines and minerals, public works and buildings, public welfare, public health, trade and commerce, and registration and education. The code also carries out more consistently the principle of a single head for each department than the efficiency and economy committee had recommended. Each department is under a head, known as the director, who is appointed for four-year terms by the governor with the consent of the senate. They receive annual salaries ranging from $5,000 to $7,000. The principle is thus adopted of having a single officer instead of a board in charge of executive functions. Exceptions to this rule, however, consist in the provision for the tax commission in the department of finance, the industrial commission in the department of labor, the public utilities commission in the department of trade and commerce and the normal school board in the department of registration and education. In these cases it was considered desirable to retain the board form of organization on account of the quasi-judicial or sub-legislative functions which they are called upon to perform. These boards are salaried, are appointed by the governor and senate, and serve for four-year terms, except that the members of the tax commission and normal school board serve for six-year terms. Although nominally placed in the departments indicated, these boards are in reality largely independent of control by the directors of such departments. They are, however, under the general financial supervision of the director of finance, and the director of education and registration is chairman and ex officio a member of the normal school board. In addition to these executive boards, advisory and unpaid boards were also attached to some of the departments. More than fifty boards bureaus, departments, and offices, the work of which was taken over by the nine departments established and had previously existed independently of each other, were specifically abolished.

In each of the nine departments there is an assistant director and other officers or heads of bureaus who are appointed by the governor in the same manner as the director, but are under the immediate control of the heads of departments. The governor is also charged with the examination and approval of the bonds of various state officers and may, in his discretion, require additional security. Civil service employees under the abolished officers and boards are transferred along with the functions of such abolished boards to the new departments created. One private secretary, who is exempt from civil service regulations, is provided for each director.

IV. THE PRESENT ORGANIZATION OUTLINED

The various officers and boards assigned to each department are indicated by the following outline:

In the department of finance:

Assistant director of finance;
Administrative auditor;
Superintendent of budget;
Superintendent of department reports;
Statistician;
The tax commission, consisting of three officers designated as tax commissioners.

In the department of agriculture:

Assistant director of agriculture;
General manager of the state fair;
Superintendent of foods and dairies;
Superintendent of animal industry;
Superintendent of plant industry;
Chief veterinarian;
Chief game and fish warden;
The food standard commission, which shall consist of the superintendent of foods and dairies and two officers designated as food standard officers.

In the department of labor:

Assistant director of labor;
Chief factory inspector;
Superintendent of free employment offices;
Chief inspector of private employment agencies;
The industrial commission which shall consist of five officers designated industrial officers.

In the department of mines and minerals:

Assistant director of mines and minerals;
The mining board, which shall consist of four officers designated as mine officers and the director of the department of mines and minerals;
The miners' examining board, which shall consist of four officers, designated miners' examining officers.

In the department of public works and buildings:

Assistant director of public works and buildings;
Superintendent of highways;
Chief highway engineer;
Supervising architect;
Supervising engineer;
Superintendent of waterways;
Superintendent of printing;
Superintendent of purchases and supplies;
Superintendent of parks.

In the department of public welfare;

Assistant director of public welfare;
Alienist;
Criminologist;
Fiscal supervisor;
Superintendent of charities;
Superintendent of prisons;
Superintendent of pardons and paroles.

In the department of public health:

Assistant director of public health;
Superintendent of lodging house inspection.

In the department of trade and commerce:

Assistant director of trade and commerce;
Superintendent of insurance;
Fire marshal;
Superintendent of standards;
Chief grain inspector;
The public utilities commission, which shall consist of five officers designated public utility commissioners;
Secretary of the Public Utilities Commission.

In the department of registration and education:

Assistant director of registration and education;
Superintendent of registration;
The normal school board, which shall consist of nine officers, together with the director of the department and the superintendent of public instruction.

The above named officers, and each of them, shall, except as otherwise provided in this act, be under the direction, supervision and control of the director of their respective departments, and shall perform such duties as such director shall prescribe.

§ 6. Advisory and non-executive boards, in the respective departments, are created as follows:

In the department of agriculture:

A board of agricultural advisors, composed of fifteen persons, and a board of state fair advisors consisting of nine persons, not more than three of whom shall be appointed from any one county.

In the department of labor:

A board of Illinois free employment office advisors, composed of five persons;

A board of local Illinois free employment office advisors, for each free employment office, composed of five persons on each local board.

In the department of public works:

A board of art advisors, composed of eight persons;

A board of water resource advisors, composed of five persons;

A board of highway advisors, composed of five persons;

A board of parks and buildings advisors, composed of five persons.

In the department of public welfare:

A board of public welfare commissioners, composed of five persons.

In the department of public health:

A board of public health advisors, composed of five persons.

In the department of registration and education:

A board of natural resources and conservation advisors, composed of seven persons;

A board of state museum advisors, composed of five persons;

The members of each of the above named boards shall be officers.

A graphic view of the code organization, omitting details, is shown on the accompanying chart:

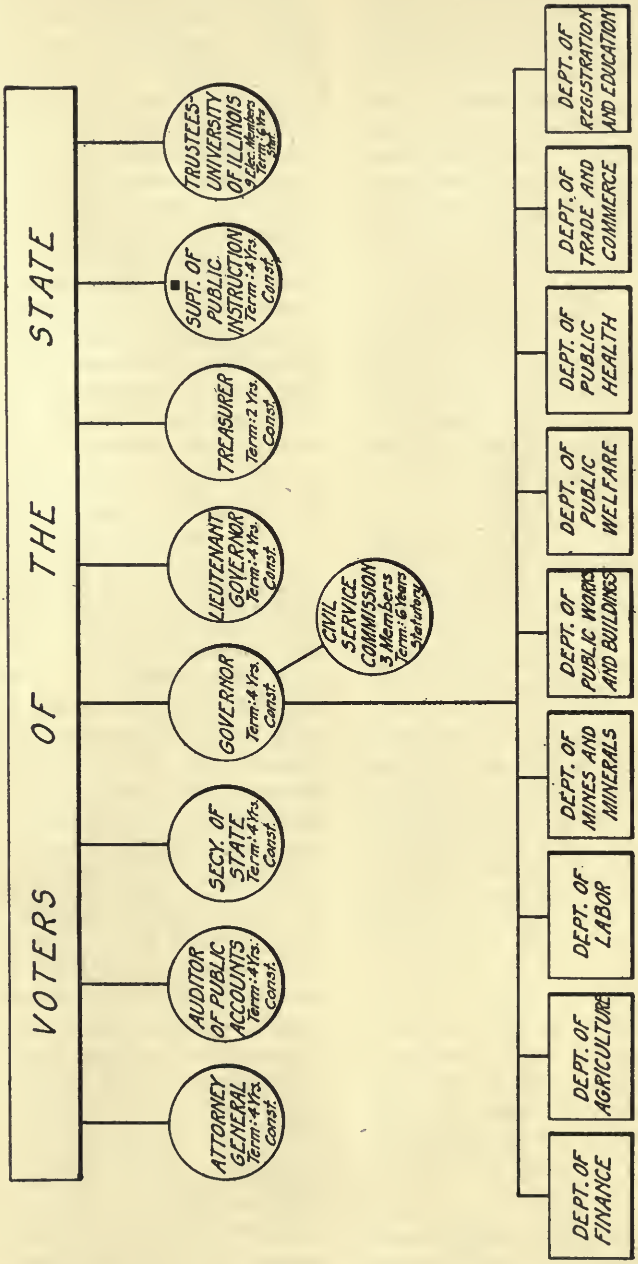
V. FUNCTIONS OF VARIOUS DEPARTMENTS

A summary of the powers of the departments under the code was given in the supplement to this REVIEW for November, 1919 (pp. 646–647), and may be here reproduced:

> The department of finance is regarded as being not only the most important of the code departments, but as having practically a new field of work. Outside of the functions of the governor's auditor and the compilation of budget estimates by the legislative reference bureau it took over no work performed by previously existing administrative agencies. Briefly, the functions of this department are to examine the accuracy and legality of accounts and expenditures of other code departments; to prescribe and install a uniform system of accounting and reporting; to examine, approve or disapprove all bills, vouchers and claims against the other departments; to prepare the budget for submission to the governor; and to formulate plans for better co-ordination of the work of the departments. Under the finance code, enacted by the 1919 legislature, the powers of this department are extended in a large measure over the non-code departments and agencies. Through his power to alter the estimates in the preparation of the budget, the director of finance next to the governor becomes the most powerful officer in the code administration. The subordinate officers of this department, as specified in the code, are the assistant director of finance, administrative auditor, superintendent of budget and superintendent of department reports.
>
> All agricultural and related activities, as well as food inspection, are included under the department of agriculture. This department promotes horticulture, live stock industry, dairying, poultry raising, bee keeping, forestry, fishing and wool production. It gathers and disseminates knowledge pertaining to agricultural interests. The inspection of commercial fertilizers and the conduct of state fairs are under its control. Under the director of agriculture there is an assistant director, general manager of the state fair, superintendent of foods and dairies, superintendent of animal industry, superintendent of plant industry, chief veterinarian and chief game and fish warden.

ILLINOIS

ORGANIZATION OF STATE ADMINISTRATION UNDER THE CIVIL ADMINISTRATIVE CODE OF 1917 AS AMENDED IN 1919


VOTERS OF THE STATE
ATTORNEY GENERAL Term: 4 Yrs. Const.
AUDITOR OF PUBLIC ACCOUNTS Term: 4 Yrs. Const.
SECY. OF STATE Term: 4 Yrs. Const.
GOVERNOR Term: 4 Yrs. Const.
LIEUTENANT GOVERNOR Term: 4 Yrs. Const.
TREASURER Term: 2 Yrs. Const.
■ SUPT. OF PUBLIC INSTRUCTION Term: 4 Yrs. Const.
TRUSTEES-UNIVERSITY OF ILLINOIS 9 Elec. Members Term: 6 Yrs. Stat.
CIVIL SERVICE COMMISSION 3 Members Term: 6 Years Statutory
DEPT. OF FINANCE
DEPT. OF AGRICULTURE
DEPT. OF LABOR
DEPT. OF MINES AND MINERALS
DEPT. OF PUBLIC WORKS AND BUILDINGS
DEPT. OF PUBLIC WELFARE
DEPT. OF PUBLIC HEALTH
DEPT. OF TRADE AND COMMERCE
DEPT. OF REGISTRATION AND EDUCATION

Departments created under the Civil Administrative Code are indicated by squares. Adjutant General and a few minor and temporary agencies have been omitted from this chart.

■ Ex officio member of Board of Trustees,- University of Illinois.

N.Y. Bureau of Municipal Research.

1919

The functions relating to the regulation of labor, the promotion of the welfare of wage earners and the improvement of working conditions are performed by the department of labor. This department collects, systematizes and reports information concerning labor and employment conditions throughout the state. The subordinate officers of the department, besides an assistant director, are a chief factory inspector, a superintendent of free employment offices, and a chief inspector of private employment agencies. The industrial commission under this department administers the laws pertaining to arbitration and conciliation.

The department of mines and minerals controls the inspection of mines, the examination of persons working in mines, and the fire fighting and mine rescue stations. Attached to the department are the mining board, consisting of four members and the director of the department, and the miners' examining board, composed of four members.

The department of public works and buildings, next to the department of finance, is probably the most important. It has control over the construction of highways and canals, supervision of waterways, erection of public buildings and monuments, upkeep of parks and places of interest, and purchase of supplies for the departments and charitable and penal institutions. The purchasing division of the department amounts practically to a central purchasing agency for the code departments. Leases are made for the several departments by this department. Besides the assistant director of the department there is a chief highway engineer, a supervising architect, a supervising engineer, and five superintendents, namely, of highways, waterways, printing, purchases and supplies, and parks.

The department of public welfare has jurisdiction over all charitable, penal and reformatory institutions of the state. It also performs the functions of the board of pardons. The department has an alienist, criminologist, fiscal supervisor, superintendent of charities, superintendent of prisons and superintendent of pardons and paroles.

The department of public health exercises general functions relating to health and sanitation except the examination and registration of physicians and embalmers. It maintains chemical, bacteriological and biological laboratories, and distributes antitoxines, vaccines and prophylactics for the prevention and treatment of communicable diseases.

The department of trade and commerce has charge of the regulation of insurance, grain inspection, inspection of railway safety appliances, fire inspection, and the regulation of weights and measures. The public utilities commission operates under this department.

The principal work of the department of registration and education is the examination of applicants for state licenses in the trades and professions. In conducting such examinations the department has the assistance of ten examining boards, one for each trade or profession, the members of which are appointed by the director. The administration of the state normal schools is placed in this department under the direction of the normal school board. The department acts as an investigating agency for a number of the other departments.

VI. IMPROVED EFFICIENCY OF EXECUTIVE DEPARTMENTS

Each department is given a considerable degree of control over its own internal organization. The director of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees, and the distribution and performance of its business; and each department may employ necessary employees, under civil service regulations, and fix their compensation when not fixed by law. The governor is given no power of transferring services from one department to another; but one department may under certain circumstances require necessary assistance from another department; and the director of any department may require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates. In order to avoid conflicts among the departments, it is provided that "the directors of departments shall devise a practical and working basis for co-operation and co-ordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, co-operate with each other in the employment of services and the use of quarters and equipment." In order further to avoid duplication and friction, the department of finance is empowered "to investigate duplication of work of departments and the efficiency of the organization and administration of departments, and to formulate plans for the better co-ordination of departments." Whenever power is vested by the code in a department to inspect, examine, secure data or information, or to secure assistance from another department, a duty is imposed upon the department upon which the demand is made, to make such power effective.

The employees in each department may thus be subject to service in other departments and without extra pay. This transfer of employees has been made occasionally when one department happened to be rushed with the peak load of its work while some other department was able to spare some of its employees for this purpose. Incidentally, this tends to prevent a position in the state service from being considered such a sinecure as was formerly the case, since it provides for the steady occupation of employees. The code, moreover, specifically provides that each executive and administrative officer, with few exceptions, shall hold no other office or position of profit and shall devote his entire time to the duties of the office. Seven and one-half hours is made the standard working day and each department is required to be open for eight and one-half hours daily for the transaction of public business, except on holidays.

Previous to the enactment of the code, as has been indicated, there were more than a hundred separate and practically independent administrative agencies, which were in many cases scattered over the state, and it was impracticable for the governor to keep watch over such a large number of agencies or to know what was being done by them. The consolidation of these bodies into nine departments rendered it much more feasible for the governor to keep himself acquainted with their activities. The code requires that each director of a department shall annually and at such other times as the governor may require report in writing to the governor concerning the condition, management, and financial transactions of his department. In practice, these reports are more frequently made, and the governor also requires quarterly financial statements from the constitutional elective officers. The heads of departments, moreover, have offices in the state capitol building where the governor can keep in close touch with their work and hold personal conferences with them regarding their duties at any time he may deem it desirable. Although some departments maintain branch offices in Chicago and other points in the state, the principal office of each department is located at Springfield, and some scattered branch offices maintained previous to the enactment of the code have been closed.

As carrying out in a concrete way the principle of co-operation among the departments, a single volume has been published containing the first annual reports of all the departments under the code. This is known as the first administrative report of the directors of departments. Although the military and naval department under the adjutant-general is not affected by the code, the report of that officer is also included in the volume.

Shortly after the enactment of the

code the practice was adopted of holding regular weekly meetings attended by the directors and assistant directors and, occasionally, the governor was also in attendance when important matters of policy were to be considered. The assistant directors also held meetings by themselves. At these meetings questions of duplication and the means of increasing co-operative action among the departments have been discussed, and the meetings have served to promote harmony and an *esprit du corps* among the personnel of the administrative departments. After the new plan of operation under the code, however, had gotten into good running order, these meetings were held less frequently and they are now held only upon call.

It is the duty of the advisory boards to study the entire field of their work; to advise the executive officers of the department upon their request; to recommend on their own initiative policies and practices which recommendations the executive officers of the department are directed duly to consider; and to advise the governor and legislature when requested or on their own initiative. These boards are also empowered to investigate the conduct of the work of their respective departments and for this purpose to have access to all official records and papers and to require written or oral information. In order to avoid friction or misunderstanding between the advisory boards and the executive agencies under the code, it is provided that such boards must meet not less frequently than quarterly, and must permit the governor and director of the department concerned to be present and to be heard upon any matter coming before the board.

The Governor's Message of 1919

The civil administrative code has now been in effect more than three years and one of the best indications of its success in operation is the fact that there is not only no demand for its modification but any movement in that direction would undoubtedly meet with determined opposition from the people of the state generally. In his biennial message to the legislature of 1919, Governor Lowden said:

> The civil administrative code went into effect on July 1, 1917. It amounted to a revolution in government. Under it a reorganization of more than one hundred and twenty-five boards, commissions and independent agencies was effected. Nine departments, with extensive and real power vested in each head have taken the place of those bodies, which were abolished, and discharge, under the general supervision of the governor, the details of government for which the governor is responsible. At the time the bill was up for consideration it was claimed that it would result in both efficiency and economy.
>
> It has more than justified all the expectations that were formed concerning it. The functions of the government are discharged at the capitol. The governor is in daily contact with his administration in all its activities. Unity and harmony of administration have been attained, and vigor and energy of administration enhanced.
>
> It seems to me almost providential that it should have been enacted into law before war actually came. A large number of the state's most expert officials and employees were drawn upon by the government at Washington because of the exigencies of the war. The same difficulties arose in the conduct of public business, which vexed private business so much. There was necessarily much confusion. The cost of all supplies rose rapidly. Unless the more than hundred scattered agencies, which had existed theretofore, had been welded by the civil administrative code into a compact and co-ordinate government, anything like efficient state government, during these difficult times, would have been impossible. Illinois, through the greater elasticity and efficiency of her new form of government, was able to meet every emergency of the war without an extraordinary session of her legislature.
>
> The appropriations made by the last general assembly were based upon pre-war prices and conditions. And yet, we will have completed the bienium without a deficiency in any depart-

ment under the code, with the exception of the item of supplies for the charitable and penal institutions in the department of public welfare.

At the 1919 session of the legislature, which was the next after the enactment of the code, no change was made in its fundamental features, but certain amendments were adopted. One amendment was the creation of a tax commission in the department of finance. In this regard, Governor Lowden, in the message just quoted, said:

> One of the imperative needs of the time is a general revision of our revenue laws, with radical changes in our taxing machinery. Taxation has become an intricate and complex science. A state board of equalization, however high its motives, finds itself illy equipped to deal with these questions. The more advanced states have already abandoned this method of taxation. With the best that they can do, the assessments they fix are merely guesses and inequality in taxation is the rule and not the exception.
>
> I believe that the state board of equalization should be abolished. Its functions should be devolved upon a cental department with plenary powers of supervision and control which, with the assistance of men trained and expert on the subject of taxation and devoting their whole time to their duties, may secure a just and equitable assessment of property.

The elasticity of the code and its adaptability to expansion was illustrated by the ease with which the newly created tax commission was fitted into the framework of the code organization.

Centralized Purchasing

A step in the direction of more economical state expenditure is the power conferred upon the department of finance to prescribe uniform rules governing specifications for purchases of supplies for the several departments. The actual purchase of most of the supplies needed by the various state departments and by the charitable, penal and reformatory institutions is concentrated in the hands of the department of public works and buildings. It is provided by the code that supplies for the departments, except in cases of emergency and in the case of perishable goods, shall be purchased in large quantities, and contracts for such supplies, as well as for buildings, construction work exceeding the value of one thousand dollars and fuel shall be let to the lowest responsible bidder. Some supplies, however, are still purchased, as formerly, by the secretary of state, a circumstance which illustrates how the existence of the practically independent constitutional officers prevents that complete centralization and concentration of function which a logical development of the system would require. However, a large degree of concentration in purchasing has been secured and, as the governor stated in his message already quoted:

> All bills are now paid promptly, and thus the credit of the state is greatly improved, enabling the state to secure better prices upon the commodities it has to purchase. We also are able to take advantage of all cash discounts, which in itself has resulted in a considerable saving.

The superintendent of purchases and supplies in the department of public works and buildings thus states the results of the first year's experience in making purchases under the code:

> One year's experience has taught this division: (1) that centralized purchasing makes available to the state the services of experts in buying through co-ordination with the specialists of the various divisions; (2) that purchasing in large quantities instead of small secures uniformity of price and quality for the same article consumed by the different divisions; (3) that it centralizes the point of contact between bidders and the state; (4) that it locates responsibility for determining price; (5) that it establishes an automatic check over deliveries in so far as supplies and materials bought by this division are received and checked by the divisions which consume them; (6) that it prompts the establishment of

standards for various classes of supplies consumed by the divisions; (7) that the taking of discounts invites prompt deliveries, lower quotations and reliable competition.[1]

Finance Administration

From the standpoint of general state administration, the most important department created under the code is the department of finance. The efficiency and economy committee, created in 1913, recommended the establishment of a state finance commission, to be composed of the state auditor, state treasurer and three appointive members. The auditor was to be empowered to audit the accounts of state officers and institutions and also of certain local officers, to investigate and enforce the collection of state revenues, and to issue to the fee-collecting offices certificates for which fees are paid, as a means of auditing collections from such sources. The civil administrative code, though creating a state finance department, could not, of course, materially change the position of the state treasurer and auditor, who are constitutional officers. The act might, however, have affected the statutory powers of the state constitutional officers, but failed to do so. Thus, the attorney-general still retains the power of collecting the inheritance tax, the auditor of public accounts still has charge of the supervision of banks and building and loan associations, and the secretary of state continues to supervise some corporations and to enforce the automobile laws. The existence of these statutory powers in the hands of independent, elective, constitutional officers tends to disintegrate the administration and to cause overlapping of functions. Both the state auditor and the director of finance have the power of audit, but a working arrangement has been made whereby the finance department does not make independent audits but accepts those of the state auditor. The director of finance may approve bills in a preliminary way, but, under the constitution, final approval is in the hands of the auditor. Finance administration is thus described in the constitutional convention bulletin on the executive department (pp. 696–697):

> State finance administration is distributed between a number of elective officers and appointive boards without concentrated responsibility. Various state departments have duties of some importance in this field, including the governor, the auditor of public accounts, the treasurer, the tax commission, the finance department, the secretary of state (as receiver of corporation fees and automobile licenses), the attorney general (in supervising the inheritance tax), the department of trade and commerce (as receiver of insurance fees and taxes), the tax levy board, the court of claims, and the state depository board. Some auditing powers are vested in the civil service commission through its control of state employees, and in the department of public works and buildings, through its power over state contracts, and supervision of purchasing.
>
> The procedure necessary in the payment of salaries of state employees under the civil administrative code will illustrate the working of some of the components of this financial system. A monthly payroll is sent by the department issuing it to the civil service commission for its certification that none of the employees are employed in violation of the provisions of the civil service act. It is then sent to the department of finance, where it must be audited and approved. The department of finance sends it to the auditor, who again ascertains that the payments therein specified are authorized by the appropriation act, a repetition of the work of the department of finance. The auditor then issues warrants on the treasurer for the payment of the employees. In case a contract, or purchase of supplies, is involved, instead of personal service, the voucher issued by the departments incurring the liability must also be approved by the department of public works and buildings. Every payment of money from the state treasury

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[1] Report of the Directors under the civil administration code, 1918, p. 174.

by a department under the civil administrative code involves this cumbersome financial procedure.

The Budget

Under an act of 1913 a legislative reference bureau had been established, one of its duties being to cause to be compiled "a detailed budget of the appropriations which the officers of the several departments of the state government report to it are required for their several departments for the biennium for which appropriations are to be made by the next general assembly." This was a step in the right direction, but in several respects it fell short of what was needed. It is to be noted that the so-called budget mentioned in this act was not strictly a budget in the proper sense of the word, since it made no provision for a statement of the estimated revenues. Moreover, no authority was granted to the bureau to make any responsible recommendations in regard to the estimates. The bureau acted in a mere clerical capacity as an assembling and transmitting agent. The information upon which the legislative appropriations were based were derived largely from the estimates of needs made by the heads of the respective departments, and the total estimates, therefore, were the result of no state wide plan. Evidence of the lack of, and need of more systematic methods in financial legislation, is found in the amount of deficiency appropriations passed in each general assembly, which increased from about $133,000 in the forty-seventh to about $400,000 in the forty-ninth general assembly. An effort to provide for this situation in a more systematic manner was made by the legislature of 1919, which appropriated a reserve fund of $500,000 to be apportioned between the departments under the civil administrative code and the military and naval departments and allotted from time to time by the director of finance with the approval in writing of the governor.

In the forty-eighth general assembly there were ninety-four separate appropriation acts, and two years later there were eighty-eight, containing hundreds of detailed items. Most of these bills were reported from committee and passed near the close of the session when any adequate consideration of them was practically impossible. Under the constitution, appropriations for salaries of state officers must be in a separate bill, but all other appropriations might be combined in one or a few measures. Greater uniformity in the classification of items, however, has been secured through the operation of the civil administrative code, which facilitates comparison between different institutions and different fiscal periods.

The budget should be a comprehensive financial statement showing the actual financial condition of the state in its entirety, with estimated receipts and expenditures for the succeeding fiscal period. In this connection it may be remarked that, in order to facilitate the compilation of the budget, the fiscal periods of the various state departments should coincide, and these, in turn, should correspond with the appropriation period. The budget plan should be the basis of the budget bill or bills. There should be as few budget bills as legally possible, in order that it may be as comprehensive as possible, and no special or supplementary appropriation bills should be considered except under proper restrictions.

By the civil administrative code, each department, office and institution is required to file biennially in the office of the director of finance on uniform blanks prescribed by the director estimates of receipts and expenditures for the succeeding two years, with an explanation of reasons for each item of expenditure requested. The director of finance is empowered to investigate all items and to revise the estimates before submitting them to the governor for transmittal to the general assembly. The governor is required to submit to the general assembly not later than four weeks after its organization a state budget, embracing the amounts recommended by him to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation and from other sources, and an estimate of the amount required to be raised by taxation. Thus the budget, when it reaches the general assembly, has the official support and authority of the governor, though legal control over the appropriation and revenue acts still remains largely with the legislature, subject to the power of the governor to veto appropriation items. The submission of such an official budget, backed by the authority and prestige of the governor, is an important step in the direction of more economical expenditure of state money. As stated in the second annual report of the department of finance (p. 38), "of the sums appropriated by the last general assembly, large amounts remain unexpended and will lapse into the general revenue fund on September 30."

The inclusion of provision for a budget in the civil administrative code was eminently proper, for the matter of a budget system for the state is intimately associated with the program of the consolidation of the numerous state agencies. The scattered and disorganized condition of the administrative agencies, which has heretofore existed, has interfered with the development of a scientific budget system. The considerable number of separate agencies, and the consequently large number of separate requests for appropriations, makes it difficult for the budget-making authority to give them any adequate scrutiny or examination. There should be concentrated responsibility for the estimates, and this can properly be assumed only by the governor, as the head of the administration. If the governor is to be required to assume the responsibility for the estimates in the budget it follows as a logical corollary that he must be provided with adequate means for scrutinizing the estimates as they come to him from the heads of departments, and for giving them study and criticism, so as to prune them to the proper proportions in view of the general financial condition of the state. Under the code, this function is performed for the governor by the department of finance.

Governor Lowden, in his message previously quoted, thus described the work of the department of finance:

> In pursuance of the powers vested in that department, it has provided for a uniform system of bookkeeping in all branches of the government under the governor's control. It has prescribed forms for accounts and financial reports. It has supervised and examined the accounts and expenditures of the several departments. It has approved or disapproved all vouchers, bills and claims of the several departments. It has required each department, before an appropriation for such department should become available for expenditure, to prepare and submit to the department of finance an estimate of the amount required for each activity to be carried on within such department.

With reference to the work of the department in preparing the budget, the governor said:

> The department of finance is also required, under the administrative code, to prepare a budget, and full powers were vested in the department to make any investigation which might be necessary to enable it to formulate intelligently the financial needs of the state for the

> next biennium. Such investigation has been made and the budget has been prepared as required by law, and will be submitted to your honorable body. It will be readily seen that the director of finance began, in fact, preparing for the budget on July 1, 1917, for when he exercised his powers of supervision over the accounts of the several activities of the state, he began to form some idea as to the real needs of the state. At this time I need only say that the budget is the result of many months of exhaustive study and arduous work. I believe that it will commend itself to your wisdom.

The finance department, through its power, under the governor, of recommending appropriations, exercises supervision over the activities of the other departments. It passes on requisitions of the other departments and may, under certain circumstances, refuse to approve requisitions and vouchers. It requires the other departments to furnish monthly detailed statements of their financial operations set out in appropriate items. Before money issues from the treasury to be expended in the discretion of the heads of departments, it must have the approval of the department of finance. This, however, is not true in the case of the constitutional elective officers, over whom the finance department exercises little supervision. The supervision of the department, however, over the non-constitutional state agencies which are not under the code was strengthened by the enactment of the finance code in 1919 requiring the approval of the department for the ordinary and contingent expenditures of such agencies.

The budget submitted by the governor to the legislature is accompanied by the estimates of the various departments. The appropriation committees of the legislature and the department of finance work together in drawing up the appropriation bills. The total of the appropriations as passed by the legislature of 1919 differed but a comparatively small per cent from the recommendations of the finance department and the governor. This was especially true with reference to the code departments. It was evident, however, that the constitutional elective officers could and did go over the heads of the governor and his finance director and make direct requests to the legislature for appropriations. The comparative success of the first budget was due in part to the personal and political prestige of the governor, but also largely to the fact that the numerous administrative agencies were consolidated at the same time. In reference to this point, the following colloquy occurred in the testimony of Director of Finance Wright before the house budget committee:

> MR. TEMPLE: Would you be ready to say, Mr. Wright, that the changes and advantages which you find in Illinois have come more from a reorganization of the work, or more from this one element of the budget system as adopted in Illinois?
>
> MR. WRIGHT: Well, I rather feel that the one is so dependent on the other, so intermingled with the other, that it would be rather difficult to divorce or segregate the advantages which might have been achieved with either one by itself. I do not think we could have submitted an intelligent budget, a budget that the legislature would have concurred in had it not been for the consolidated form of government, and thus being able to confer in ten minutes with a director upstairs, or across the hall from you, and I think that is invaluable, and we would not have gotten anywhere if we had to go out and have had to get 125 varying estimates and gone into a survey and details of each one by itself; I do not think we would have gotten anywhere with that.

If the success of the budget system depended so largely upon the consolidation of administrative agencies which was made at the same time, it follows that if the consolidation had been more complete, the success of the budget system would have been still greater. It should be noted that the civil administrative code does not undertake to reorganize the whole field of state administration, and certain important agencies are unaffected. The department of finance does not control the state auditor and treasurer nor the administration of the revenue laws. The code does not affect the constitutional officers, such as secretary of state and attorney-general, nor their constitutional functions. It does not even affect their statutory functions. A number of statutory bodies and agencies are also left outside the code organization, such as the board of trustees of the University of Illinois, the adjutant-general and national guard, the state civil service commission, the legislative reference bureau, and the state library. With reference to the constitutional elective officers, the experience with the budget of 1919 shows that they are in a position of practical independence of the governor, who cannot control the estimates nor the appropriations for their departments. The director of finance may undertake to revise their estimates, but, as stated, they may and do go over his head and even over the head of the governor direct to the legislative appropriation committees and secure increased appropriations. On account of the strong political position of these officers, the governor and director of finance do not care to oppose their requests. The secretary of state and the attorney-general especially are important leaders in the party organization. The secretary of state was manager of the governor's recent prenomination campaign for president of the United States. Consequently, it is not easy for the governor to resist their requests for increased appropriations, nor to advocate the taking away of any of their statutory functions. The effect on the budget, however, is unfortunate, for, as has been said, "no machinery, either statutory or constitutional, will produce a single executive responsibility for the budget, so long as there is not a single executive responsibility for the conduct of the affairs of the state government." (Illinois Constitutional Convention Bulletin, No. 4, p. 286.)

VII. CONCLUSION

In spite of the fact, however, that the civil administrative code did not, in some respects, go as far as it might have gone and, in others, could not go further on account of constitutional restrictions, it nevertheless has gone far toward introducing a scientific and efficient form of administrative organization in the state government and is undoubtedly the most important step in this direction and the most comprehensive plan of administrative consolidation that has thus far been undertaken in this or in any other state. No state, however, can expect to work out its political and governmental salvation through mere administrative machinery. The character of the men who work the machinery is equally if not more important. In the last analysis, therefore, the successful working of the civil administrative code is dependent on the competence of the governor and of his appointees to the directorships, but scientifically constructed machinery is a help to the most capable of officers, and this help has been in large measure supplied by the code.

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VIEWS AND REVIEWS

I

The present investigation into the bond purchases of the New York state comptroller is revealing further evidence as to the fickleness of sinking funds. For some years, a rumor has been circulating that a very simple plan was being put into operation. The plan, according to the rumor, was to accumulate, with the assistance of certain banks, bonds for sale to those in charge of the state sinking fund. It was hinted that those involved were protected against loss in a falling market by a proper understanding with those in charge of the trust fund, while any "velvet" from sale at enhanced prices to the state went to the conspirators.

The whole situation is now being thoroughly aired in a John Doe investigation into the affairs of the state comptroller's office. The charge, in brief, is that hundreds of thousands of dollars have been made by securing the purchase by the state of bonds above the prevailing market rate at the time. The *Brooklyn Daily Times* announces that the profit on eleven purchases selected at random by its investigators amounted to $300,000. It is clear that, as the inquiry proceeds, certain persons are becoming more and more involved.

Public sinking funds are an enormous risk, in compensation for which the benefits are most remote and theoretical. In addition to careless mismanagement or wilful neglect it is always possible to graft on them. Serial bonds are not only more easily handled, but usually represent a deliberate public decision in favor of sound financial methods in the payment of public debts.

II

The Taint in Politics is the title of a book by an anonymous author, lately published in England, which will furnish welcome material for those who preach distrust of political processes. The thesis is that greed, graft or prejudice, have, in the long run, determined political conduct. Beginning with the Papal politics of the sixteenth century, developing further a century later in England under the Stuarts, the taint finally blossomed into the poisonous and deceptive flower which we call the party system.

Political parties are an obstruction to government, our author believes, because they discourage the highest type of people from becoming candidates for political office. The model candidate is described as a well-to-do, virtuous and leisured man or woman, indifferent to titles, offices and other passing rewards. Such, however, refuse to stultify themselves by association with organized parties. If by act of God a legislature composed of such were elected, government, our author admits, would rest on dead center. This is assumed to be the crushing indictment of present political institutions.

If there is something about the work of government which sinks a public official deeper in original sin than the rest of us, the case is indeed serious. Is it as bad as this?

III

The Michigan Supreme Court has declared that proportional representation in municipal elections is unconstitutional. The case involved the validity of that section of the Kalamazoo charter which provided this method for the election of the city commission. The rest of the charter stood, but a new election was ordered and held last month under the old system. The opinion is invective, rather than judicial reasoning, and in years to come will be grist for the mill of those who would deny to the courts power to declare law void.

Rather scornfully the opinion traces the growth of the movement. The court was not clear as to the distinction between the Hare system and cumulative voting. Criticism which in reality applies only to the latter is directed at the former. Advantage is taken of present conditions in Russia and Poland to discredit proportional representation and the slower progress of the theory in older countries is attributed to superior political wisdom. Perhaps a sufficient description of the opinion is that it is propaganda and not law.

The provisions of the constitution invoked by the court are:

> In all elections [a qualified voter] shall be an elector and entitled to vote.

and

> No city or village shall have power to abridge the right of elective franchise. . . .

These are held to guarantee to every elector, equality of voting power, which (under an early case involving cumulative voting) is construed to mean the right of all to vote for every officer to be elected. The earlier case had also held that the cumulative system had denied to voters equality of voting power, since it gave an opportunity for several preferences, and concluded that equality could only be maintained by restricting voters to a single choice for each office. Proportional representation under the usual rules of counting the ballots contains an element of chance that one vote may count for more than another, and is therefore void. How remote this chance is the court does not consider, being content merely to quote, with approval, an earlier dictum that the system is "too intricate and tedious to be adopted for popular elections by the people."

The right of every elector to vote for every officer to be elected within a district with ballots of equal weight having been established, the court turns to a consideration of what constitutes an election district. It finds that the only legal voting constituency is a geographically defined representative district. There is nothing said about geography in the sections of the constitution invoked by the court, but it is asserted that law "recognizes" no other. The concept of a constituency bound together by like-mindedness and not formed by lines on a map quite exceeds judicial comprehension.

As an example of judicial partisanship and muddle-headedness, this opinion will rank as a classic.

H. W. Dodds.

A NEW METHOD OF SELLING BONDS

BY B. H. PENNY
London, Ontario

Resulting in the sale of $400,000 debentures since its inception in London, Ont., a year ago a new plan of disposing of city securities is regarded as a distinct success by both City Treasurer James S. Bell and members of the city council.

Under the new arrangement city debentures are sold directly to the citizens instead of finding their way to the public through bond houses. When authorized debentures are not available, but are expected within a short time, the city treasurer accepts money for which he issues a receipt. This is used for current expenses, reducing the amount of short term loans which it is necessary to make from the banks each year until municipal taxes have been collected. As soon as a debenture issue is authorized the money is applied to its account, the interim receipts are called in and the bonds are issued in their places. Interest is paid on the money from the moment it is accepted by the city. This policy has the effect of keeping the market for city debentures always open.

When the plan of selling debentures over the counter of the treasurer's office was adopted it was found that many sales were being lost because debentures were not always available. Citizens who came with a few hundred dollars to invest would be told to return in a few weeks when it was expected that bond issues would have been authorized. Most of these prospective investors, however, did not wish to have their money lying idle. They accordingly went elsewhere and invested in other securities.

In the opinion of the city treasurer this was needless loss. Debentures to finance public improvements are always certain to be issued each year. In many cases the work is under way, but the bonds cannot be sold until it has been completed, although it is certain that they will be issued before the end of the year. The city treasurer saw no reason why money could not be accepted for these prospective bond issues. He tried out the plan and found that it was highly successful.

That was a year ago. Since January 1 of the present year, $100,000 of debentures to finance a new reservoir; $85,000 for extension of the water system and $80,000 for extension of the electrical system, were sold in this manner.

Municipal debentures are found to make a strong appeal to the smaller investors. They have as much confidence in them as in the government Victory bonds. The facilities now for investing in debentures on any business day of the year are making practically every citizen a bond holder.

London claims to be, not only the first Ontario city to adopt this plan, but also the first Ontario city to sell its debentures directly to the citizens. The policy was adopted on a large scale soon after Canada's declaration of war on Germany in 1914. It has been pursued successfully since then with one or two exceptions. On these occasions the quick sale of large issues was desired. This could not be accomplished by gradual disposal of small amounts and the whole issues were disposed of to bond houses.

INDIANA REGULATES COAL

BY CHARLES KETTLEBOROUGH

Director, Indiana Legislative Reference Bureau

Last summer the Indiana legislature created a special commission to regulate the price and distribution of coal. The courts have sustained the law, and the commission is functioning. :: ::

By an act approved July 31, 1920, the state of Indiana created a special coal and food commission, consisting of the members of the state board of accounts, which is to remain in existence until March 31, 1921, unless continued by future legislation.

Under the terms of this act, the special coal and food commission is given authority to fix the price at which all coal moving in intra-state commerce shall be sold to jobbers, wholesale and retail dealers, and to the public; to determine the priority and extent in which the various classes of users of coal in the state shall be supplied, including railroads, public utilities, industries and the people generally; and to require operators to produce and supply a sufficient quantity of coal to satisfy domestic demands, at the price fixed by the commission.

In determining and fixing the price at which coal shall be sold, the commission is required to hold hearings, conduct investigations and collect the necessary evidence, and for that purpose to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. The law provides that no price fixed shall be confiscatory, nor less than the actual cost plus a fair and reasonable return on the property used in the production and sale of the coal. In fixing the cost of coal to the producer, the commission is required to allow the cost of production, including all reasonable and proper expenses for operation, maintenance, depreciation and depletion, and in addition thereto a just and reasonable profit. In fixing the prices of coal for dealers, the commission is required to allow the cost to the dealer, including transportation and distribution charges, and in addition thereto a reasonable sum for profit.

In order that the commission may be enabled adequately to control the coal industry, and for the purpose of obtaining the necessary revenue to defray the expenses of the commission, the law requires every person engaged in the business of mining coal and every wholesale and retail dealer to take out a license. The fee for a mining license is $25 per year; for a wholesale dealer's license, $10 per year; and for a retail dealer's license, $5 per year. In addition, the act imposes a license fee of one cent per ton on all coal mined in the state, payable into the state treasury monthly.

The validity of this law was speedily assailed, and a suit to test its constitutionality was instituted in the federal district court for the district of Indiana, and an opinion was given by the court on September 6. In this opinion nothing was decided "except the one question, that the state, under its police power, can lay its hand upon the coal mining industry." (*American*

Coal Mining Co. vs. *The Special Coal and Food Commission of Indiana.*)

The hearing held by the commission to determine the price at which coal should be fixed was begun on September 27, and the order prescribing the classification and fixing the prices of coal was issued on October 5. This order divided all mining companies in the state into four classes and fixed the price for each class. A rehearing on the merits of this order was concluded on October 15, and if the coal companies and dealers wish to obtain further redress they will be obliged to begin the necessary proceedings in the Marion circuit court.

Under the terms of this act, 1,338 retail dealers, 168 wholesale dealers and 252 operators have taken out licenses, and the total tonnage tax paid into the state treasury up to October 1 was $18,256.39.

The commission is also authorized to investigate the hoarding of food, but this provision is an amendment attached in the house, and is of only minor and subsidiary importance.

"THE KING CAN DO NO WRONG"

BY ROBERT M. GOODRICH

Detroit Bureau of Governmental Research

A terse discussion of judicial opinion regarding the responsibilities of municipalities for acts of its employes. :: :: :: ::

"L'ÉTAT c'est moi" said Louis XIV; and as long as that was true the king could do no legal wrong. Kings have been beheaded and governments uprooted, but the "doctrine" still lives. Divine rights and democracies seem so utterly inconsistent that it is almost impossible to conceive one within the other. Yet so thoroughly has the "divine right" doctrine been woven into American municipal law that until now it has been almost futile to attack it.

Case after case has gone to every supreme court in this country testing the responsibility of cities for the tortious acts of employes. In as many cases the "doctrine" has been a determining factor, in the decision. Formerly its application afforded complete immunity to the government from all responsibility, but the rule, as now generally recognized, attaches liability in those cases where the act complained of is in the commission of some "ministerial function."

The legal differentiation between "governmental" and "ministerial" is as ambiguous as it is curious. No attempt could be made at a classification. The definition of McQuillan is illustrative: "What are governmental powers and duties, and what are corporate ministerial duties, is not subject to precise definition further than to say this: The powers and duties of municipal corporations are of two-fold character; the one public, as regards the state at large, in so far as they are its agents in government; the other private, in so far as they provide the local necessities and conveniences for their own citizens."

Until recently driving a fire truck has been a glaring example of a governmental function, and an injury sustained by an individual through neglect of the driver could not legally be compensated.

The decision of *Fowler* vs. *City of Cleveland* offers the only exception. In that case a by-stander was injured by the negligent driving of a fire truck. Contrary to innumerable other cases, the majority opinion held that the action of the fire department in driving a hose truck was ministerial, and that the city should be liable. To the average reader this would appear sound and progressive, but it is not progressive enough for Judge Wanamaker. "I heartily agree with the authority and soundness of this judgment. I as heartily disagree with the grounds of the judgment." The majority opinion whittles down the sphere of the governmental function to the aggrandizement of the ministerial. Judge Wanamaker would annihilate the ministerial function altogether, and hold the municipality bound to pay for all injuries in the exercise of its police powers and governmental functions. To him the immunity of a city in the exercise of a governmental function is part and a parcel of the immunity of the sovereign state. "The doctrine," he believes, "has been shot to death on so many battle fields that it would seem utter folly now to resurrect it."

The niceties that may be raised by scholars of political philosophy can no longer be considered practical. The power to compel is inherent in the people, not the sovereigns. It is based on natural, not legal justice. Common councils in many of our cities, appreciating the injustices caused by adhering to the rules of law, allow claims over the objection of their legal advisors. Judges, too, must sooner or later come to the realization that their decision must be more largely governed by the *mores* of the day and the conviction of the community, as to what makes for general welfare.

It is interesting to note that the Georgia supreme court passed upon precisely the same set of facts as appear in the instant case with opposite results. No mention of the Fowler case was made in the opinion.

NEW YORK LEGISLATURE ACTS ON HOUSING

BY RAYMOND V. INGERSOLL

New York

I

In August Governor Smith announced that on September 20 there would be a special session of the legislature to deal with housing. The joint legislative committee, of which Senator Lockwood has been chairman, at once resumed its sessions and hearings, and brought in to the legislature a report giving an analysis of conditions, including tables showing that whereas the rate of wages for men in the building trades has doubled during the past few years the prices for building materials have on an average advanced still more sharply. This report recommended certain legislation to supplement the emergency laws of last winter affecting the relation of landlord and tenant and also recommended several measures which the committee thought might tend to produce a new supply of housing accommodations.

In a recently published report on

the New York housing crisis the city club of New York calls attention to the fact that before the war about $75,000,000 per year was being put into the construction of tenement houses in New York City. In 1914 new apartments were thus provided for 20,577 families and in 1915 for 32,617 families. By 1919, however, this had fallen off to a point where new apartments were made ready for only 1,481 families which was considerably less than the number of apartments actually destroyed during the year to give way for business or other uses.

This same report says that before the war the average proportion of vacancies in all tenements was .056. By 1919 the margin in the tenement houses built within the past twenty-years had fallen to .0006. This year the margin in habitable buildings has been practically wiped out. Obviously without the possibility of change usually afforded by vacancies the landlord would have the tenant completely in his power were it not for special emergency legislation.

II

The legislature at the special session refused to approve a much advertised plan for exemption of real estate mortages from the state income tax. The purpose of this suggestion had been to overcome the scarcity of money in the mortgage market. It was generally recognized, however, that the measure would be ineffective unless followed by similar exemption from the Federal income tax law. Advocates of the measure contended that while aiming only at mortgages on new houses it would be necessary to include all other mortgages, old and new, whether on dwelling or business properties; otherwise the wish of mortgage holders to place their money where it would be tax exempt might create a panic in the calling of mortgages. It was calculated that as applied to New York city this would mean the exemption of from forty to fifty dollars of income on existing properties to every dollar of income from the much desired new houses. Some objections to this income tax proposal were brought out in the city club report and others at the hearing in Albany.

The state reconstruction commission in its report of last winter had emphasized the need for establishing state and local housing boards to follow up this subject. They were recommended to the legislature but it refused to adopt the proposal. This refusal was doubtless based partly on a lack of inclination to carry out any suggestion emanating from any commission appointed by the governor, but still more by a very evident reluctance in all parts of the state outside of NewYork city to deal with matters of housing along new lines. This may forecast the probable attitude of the next regular session in regard to a proposed constitutional amendment to make it possible for state or municipal credit to be used for promotion of housing activities. On the whole the governor and the legislative leaders worked harmoniously and the legislature stood ready to pass any bill recommended by the joint housing committee provided it was made to apply only to New York city and the surrounding metropolitan area.

The pressing situation existing in the city is represented by the fact that about one hundred thousand dispossess notices had been served for October 1. In fact this condition was so acute that legislative leaders were carried much further in their landlord and tenant legislation than they had had any intention of going.

Without going into great detail it

may be enough to say that these recent acts of the legislature seek in substance to abolish contract relations between landlord and tenant for a period of two years, especially so far as the amount of rental is concerned. In all summary proceedings for dispossession the tenant may interpose a defense that the rent is unreasonable and the agreement oppressive. The landlord must then file a detailed statement of his investment, income, expenses, etc., and the burden is upon him to make out a *prima facie* case of reasonableness. Provision is also made that where a tenant holds over after a termination of his lease the landlord may not demand possession except on one of three grounds. He must allege and prove either that the tenant is objectionable, or that the owner and his family wish to occupy the premises themselves, or that the building is to be demolished to give way to new construction.

Some doubt has been raised as to the constitutionality of these measures in so far as they affect tenancies based upon definite contracts. Doubt has also been expressed as to the constitutionality of one of the acts which seeks to impose upon ejectment proceedings in the supreme court the same restrictions as to hold-over tenants which have been applied in another act to the special summary proceedings. It is generally conceded that the summary dispossess proceedings being a special remedy may be strictly limited or done away with altogether. The immediate effect of this set of bills has been to prevent wholesale evictions on October 1.

III

Three things were done at the special session which look toward stimulation of house construction. In the first place definite provision was inserted in the rent laws of the special session, and also in others which had been passed last winter, that these restrictions on the landlord should not apply to new housing accommodations built under the existing high costs. It is recognized that the pressure of demand has become overwhelming but that, chiefly due to the abnormal cost of construction, the law of supply has not responded in the usual way and must have stimulation.

Aside from a minor measure in regard to investment of certain public funds in the securities of a hitherto rather inactive institution, known as the state land bank, the only other action taken toward securing a new supply of housing was an act permitting the local authorities in a city, county or village to exempt from all local taxation until January 1, 1932, new buildings planned and used for dwelling purposes. In order, however, to get the advantage of this exemption such new buildings must have been commenced before April 1, 1922, and completed within two years after commencement.

In New York city the rate for local taxation is more than .025 and is going up. As New York real estate is assessed at 100 per cent it is obvious that this exemption will mean an accumulated saving of taxes which, in the course of the period of exemption, would amount to fully one-fourth of the entire cost of the building. From the point of view of a man building for his own use this inducement is most obvious. For an organization building with the intention of renting it would be of material aid both in figuring out a satisfactory balance sheet and in securing a larger mortgage loan. Lenders are at present very cautious about lending even up to 50 per cent of the cost of the building, because they fear that lower production costs later on may bring down the value of their security. The tax exempt building would have a more secure value and if the saving in taxes is applied toward amortization of the mortgage the margin of security increases each year. The speculative builder who constructs to sell will be better off because with the exemption feature he can get a much better price for the completed building. Public revenues are not greatly impaired for the reason that without some such encouragement the building will not be done and with it land values in sections where there is extensive construction will be very materially increased. The increased land values would, of course, not be exempted.

If the board of aldermen and the board of estimate of New York city take favorable action on this statute it is believed by many that this factor, taken in combination with an expected moderation in the prices of building materials, will produce a widespread resumption of building activities during the coming year.

SERVICE AT COST IN LOCAL TRANSPORTATION

BY DELOS F. WILCOX

New York

Analysis of the plan recommended by Federal Electric Railways Commission as the solvent of street railway difficulties. :: ::

SERVICE AT COST DEFINED

In its report to the president, the Federal Electric Railways Commission defines the service-at-cost contract, by the enumeration of its "main features," as follows:

(a) Fair valuation of the property;

(b) Capitalization to conform thereto;

(c) Agreed return upon capital;

(d) Public control of capital issues, and, to a certain extent, over expenditures;

(e) Public supervision over management, operation and service;

(f) Automatic changes of rates to meet fluctuating economic conditions, and to insure a proper return on the value;

(g) Private operation, subject to the right of the municipality to purchase the property at its value or upon an agreed price;

(h) Reduction of taxes and assessments.

SERVICE AT COST DISCUSSED

Then the commission says:

The service-at-cost contract is still in its experimental stage, and naturally a number of criticisms have been made of it. These have been considered, but with the limited experience under this contract we believe that the criticisms are more theoretical than real. If these defects prove to be substantial and result in unduly increasing the cost of service, they can be removed by improved regulation, but if they cannot finally be avoided, then it would seem that the public has ample protection in the contract's purchase provisions.

Generally speaking, the main criticism of this form of contract is that it tends toward inefficiency and uneconomic operation; that it contains no provision for the control of strikes or uninterrupted service, and that labor and management may co-operatively increase the cost of operation to the point where the public may be unduly burdened.

From the point of view of credit restoration, the outstanding advantage of this contract is that rates are automatically adjusted to meet changing operating conditions. We are inclined to think that the assurance of an automatic adjustment of fare will do more than any-

> thing else to restore the confidence of the investor in these properties. Public confidence will be immeasurably strengthened through the valuation of the properties, because the figure that is established constitutes the basis of the return to the investor and fixes, at least, the minimum price which the public will be obliged to pay if, at some future time, it should decide to purchase and operate the property. When the value is thus fixed there can be no further dispute as to capitalization or excessive profits, because the people will know just what they are paying for. The controlling element in its favor is the restoration of public confidence in the corporation due to the removal of those elements of friction which have so frequently engaged the attention of the public. It might also be said that to a certain extent it removes the railways from the idea of speculative gain and places them upon a common-sense business basis where the people pay for the service they get and where the opportunity for large profits no longer exists, since economies and lower operating costs are reflected in reduced charges for service. When the contract is once established the opportunity for municipal corruption is reduced to the minimum.
>
> We strongly recommend the principles of the service-at-cost contract, not as the only solution, but as one means of solving a very difficult problem.
>
> In cases where the electric railways operate in more than one municipality and between different municipalities, such service-at-cost contracts can properly, in our judgment, be made only with the public service commission, and in such cases the provisions of the contract should apply in any particular community to the system as a whole rather than to its individual parts.

The commission states that "practically all of the witnesses for the electric railway industry favored service-at-cost franchises," and further states that the principle of service at cost is back of all public service commission regulation. On this ground it contends that the idea of service at cost is not new, but that the new thing is the method provided for carrying out that principle through contracts with devices "for automatically and quickly adjusting price to cost."

It will be observed that "private operation" is one of the characteristics of the service-at-cost contract as the commission defines it. Yet in Massachusetts the service-at-cost plan was put into effect on the Boston and Bay State lines through the state's direct assumption of the operation through boards of public trustees. Evidently this Boston arrangement is not the "pure quill" service-at-cost plan that the commission favors; for the commission elsewhere in its report indicates that it is very skeptical about public ownership and operation and believes that the solution of the electric railway problem can best be worked out under continued private management.

VALUATION IS THE CORNER-STONE

The determination of the amount of the investment to be recognized as a basis for the adjustment of rates and for ultimate purchase is the cornerstone of a service-at-cost agreement, whether we look at it from the point of view of the street railway company or from the point of view of the community. The valuation is the chief stumbling-block in the way of an amicable settlement of the public relations of a privately owned utility. The valuation of a property rendering an essential public service, with many of the characteristics of monopoly, is always a complex and difficult problem, but the ordinary complexities and difficulties have been multiplied by the abnormal price conditions growing out of the world war and by the confused status of valuation law and procedure in the United States to-day. The admitted over-capitalization of the early days of street railway development has engendered a spirit of distrust and antagonism on the part of the public, and this spirit is sharpened by the efforts of the companies to take advantage of the reproduction-cost method of valuation as a means of absorbing the inflation in their securities.

The first feature in the service-at-cost contract mentioned by the commission is "fair valuation of the property." In every practical application of the plan it is of the highest importance to know what this phrase means. The Federal Electric Railways Commission "discouraged" the introduction of testimony on the subject of valuation, called attention to the fact that in the process of appraising the steam railroads of the United States the Interstate Commerce Commission has made an exhaustive study of the principles of valuation for rate-making purposes, expressed the opinion that "the decisions of the Interstate Commerce Commission, based upon long experience and investigation, will in large measure settle the standards of valuation," and suggested that municipalities and states engaged in fixing the values of electric railways by arbitration or otherwise should familiarize themselves with the Interstate Commerce Commission's practice, experience and decisions in valuation cases. Particular reference was made to the Interstate Commerce Commission's report in Valuation Docket No. 2, Texas Midland Railroad.

ORIGINAL COST A PRIMARY FACTOR

That the Federal Electric Railways Commission felt it necessary to hold out a warning signal to electric railway companies to restrain their passion for overvaluation is manifest from certain things contained in the commission's report. In one place it says:

> Service-at-cost plans have been recently rejected by popular vote, largely on the issue of valuation, in Chicago, Denver and Minneapolis. The public, justly or unjustly, has become so suspicious of the electric railway companies that it may be expected to reject any service-at-cost or public ownership question submitted to popular vote, no matter how fairly the plan may be formulated, *if they are not thoroughly convinced that the capital item has been fairly and honestly arrived at.* (Italics are mine.)

Again, in the course of its reference to the railroad valuation work of the I. C. C., the commission says:

> The first requirement of the valuation act is for finding of original cost. The commission is reporting original cost as fully as it possibly can be obtained from the best available evidence in each particular case. In its valuation proceedings it has been earnestly contended that the cost of reproduction new as of the date of inquiry should be taken to be the value of the property. Others have contended with equal earnestness that the value of the property should be limited to the original cost, as this item represents the money which has been actually invested by the stockholders and bondholders in the property.
>
> The rapid increase in the cost of labor, supplies and material during and subsequent to the war period seems to have served as a peculiarly vivid indication that the original cost is a primary factor in finding value for rate-making purposes.

Whatever else may be said of the recommendations of the Federal Electric Railways Commission, the country is at least to be congratulated that a report containing these statements with respect to valuation has been issued, signed, among the rest, by Mr. Philip H. Gadsden, of the United Gas Improvement Company, representing the American Electric Railway Association, and Mr. Charles W. Beall, of Harris, Forbes & Company, representing the Investment Bankers' Association of America. This fact alone constitutes the sharpest kind of a rebuke for the extravagant claims usually put forward by street railway companies with respect to the value of their property in their efforts to negotiate service-at-cost agreements for the purpose of securing an effective guaranty for their outstanding issues of stock and bonds. It will be quite surprising if these portions of the commission's report are heavily stressed by the electric railway companies in their service-at-cost propaganda.

THE RATE OF RETURN

Another fundamental element in a service-at-cost contract is the "agreed return upon capital." The commission does not go into details about the rate of return, and makes no effort to be specific as to what that rate should be. It does state emphatically, however, the fact that "the electric railway industry as it now exists is without financial credit," that "the electric railways must expand to meet the growing needs of their communities" and, therefore, that "the first essential is to restore credit in order to obtain necessary new capital for the extension and improvement of service." The commission says:

> It is an axiom that property devoted to the public use should secure a fair rate of return. Where money is represented by bonds the return is a part of the contract and is not changed during the life of the contract. Where capital is represented by stock the rate of return may vary according to the operating or financial conditions, and naturally it should compare favorably with the income upon other classes of investment. The undisputed testimony proves that the rate must be certain as well as reasonable to attract capital and that the absence of either of these essentials will frighten the investor away. It may be a lamentable fact, but it is nevertheless true, that most of the electric railways are obliged to go to markets outside of their territory to secure new capital; and under existing circumstances the investor is no longer willing to place his money in speculative properties.

The commission then goes on to express the opinion that "a fixed franchise fare fails to meet the requirements of the industry." In its discussion of the service-at-cost contract, already quoted, it is "inclined to think that the assurance of an automatic adjustment of fare will do more than anything else to restore the confidence of the investors." Discussing specifically the "cost of new money," the commission says:

> The destruction of capital incident to the world war and the unprecedented demand of the government and industries for money resulted in largely increasing the interest rate for loans. More attractive loans are now absorbing money available for investment, leaving the electric railways where, even with credit restored, they would have to compete in the money market with prosperous and unregulated enterprises.

From these statements it will appear that another dream of the companies' valuation experts has failed to get recognition as a robust reality. We see nothing here about the doubling of the rate of return on account of the decrease in the purchasing power of money. We do not find any sanction for the theory that the "wages" of capital should be increased to correspond with the increase in the wages of labor. The commission even intimates that rates of interest on outstanding bond issues are to be left undisturbed! It does not even specifically recommend that the rate of return upon the existing investment represented by capital stock should be increased to the level required to attract new money for necessary additions, betterments and extensions in these abnormal times, although it does intimate that the rate of return on capital represented by stock may "vary" according to conditions, and should "compare favorably" with the income upon other classes of investment. It is emphatic, however, that the rate of return *must be certain as well as reasonable* to avoid frightening the investor away. On the whole, it is not quite clear how the commission would handle the matter of the rate of return.

THE CLEVELAND SEVEN PER CENT RETURN PROCEEDING

In this connection, certain things that have happened in Cleveland recently are highly significant. In the summer of 1919, just about the time when the Federal Electric Railways Commission commenced its investigation, the Cleveland Railway Company demanded an increase in the "wages of capital" as a condition of its consent to come to a settlement with its striking employes on the basis of higher rates of pay for labor. The company asked that the rate of return on its capital stock be increased from 6 per cent to 7 per cent. This issue was not subject to arbitration under the terms of the Tayler franchise, but, as a part of the strike settlement, the city council agreed to submit the question to a board of arbitration constituted in the same way in which boards of arbitration have from time to time been appointed under the terms of the contract. This proceeding was referred to in the testimony before the commission, but the board of arbitration did not file its report until December, 1919, about two months after the close of the commission's public hearings. The arbitrators, by a majority vote, awarded to the Cleveland Railway Company the 7 per cent return for which it had contended. This required the passage of an amendment to the service-at-cost ordinance, and this amendment became subject to the referendum. For the first time in the history of service at cost in Cleveland, an award by a board of arbitration was submitted to popular vote, and on August 9, 1920, less than two weeks after the Federal Electric Railways Commission had completed its report to the president, the electors of Cleveland rejected, by a vote of 35,964 to 10,660, the recommendation of the arbitrators that the rate of return on the stock be increased to 7 per cent. The case of the Cleveland Railway Company is quite exceptional, for the reason that the company's capital value is represented by some $28,723,500 of capital stock as against only $5,495,000 of mortgage bonds. One of the chief arguments against the increase of 1 per cent in the rate of return upon the capital stock was that it involved the payment annually of $287,000 additional return to the old stockholders as a means of getting the "interest" rate up to a point where it would enable the company to sell more capital stock at par. The language used by the Federal Electric Railways Commission in its report, while not entirely clear, would seem to indicate that, in its opinion, the rate of return on stock already outstanding should be increased so as to keep the market value of the stock up to par.

From any point of view these recent developments in Cleveland seem to mark the beginning of a breakdown in the service-at-cost plan "in the house of its friends." From the company's point of view it is claimed that the refusal of the people to authorize an increase in the rate of interest makes the sale of additional securities under the Tayler plan difficult, if not impossible. From the public point of view, the company's insistence that the original contract should be amended so as to benefit the old stockholders, who put in their money under an agreed rate of return, indicates that after all a service-at-cost contract, like any other sort of a franchise contract, is not regarded as enforceable when any of its important conditions go against the company.

THE FLEXIBLE FARE WITH NO MAXIMUM

Another main feature of service at cost as recommended by the Federal commission is a flexible fare without any maximum limit. The Tayler plan in Cleveland includes a top limit for the fares, but in most of the service-at-cost plans that have since been adopted, including those in Cincinnati, Youngstown, Montreal, Boston, and on the Bay State lines, no maximum fare is prescribed. In fact, it is the theory of service at cost as understood by the electric railway companies, and as recommended by the commission, that the fares shall be adjusted from time to time to meet the full cost of service, no matter how high they may have to go to do it.

The Montreal Tramways Commission, by which the new Montreal service-at-cost contract was prepared, entered upon its work early in 1917. At that time I recommended to that commission the principle of the flexible fare, saying that the cost of service should first be determined, and that then the rate of fare should be fixed to meet it. Conditions have been changing very rapidly. Even three years ago it hardly seemed possible that in a great urban community the full legitimate cost of surface street railway transportation could become so great as to exceed the reasonable worth of the service to the car riders. Since then, however, costs have been mounting so rapidly that it has become a very serious question in many communities whether a service-at-cost plan wholly dependent upon the fare payers for its revenues is everywhere practicable, unless the fundamental usefulness of the street railway as a public utility is to be sharply curtailed.

THE POLICE POWER ABROGATED

The Federal commission's report does not suggest any limitation whatever upon the rates of fare to be charged except the cost of the service. It is apparent, therefore, that with such a service-at-cost plan in effect the electric railway companies would be definitely relieved of one of the fundamental limitations laid down by the United States supreme court, namely, that the rates charged for public utility service must never be more than the service is reasonably worth, even though the utility is thereby kept from earning a full return upon the investment. Until recently, the reasonable worth of the service from the point of view of the consuming public has been taken care of by the fixed five-cent maximum fare, and, under commission control, the worth of the service has held the status of a more or less hypothetical and sometimes entirely forgotten issue. Because it has been generally assumed that under all ordinary conditions the necessary cost of utility service could not be more than the worth of the service to the individual patrons of the utility, commissions and courts, before the war, were not called upon very often to apply in practice this fundamental limitation upon street railway charges. Now that the time is ripe for its application, the adoption of the service-at-cost principle, without any maximum limit on fares, takes the companies out from under the exercise of the police power and places the public in a position where it may suffer incalculable harm from excessive transportation charges.

SERVICE AT COST AND PUBLIC OWNERSHIP

The Federal commission, though recognizing that the service-at-cost contract is "in the experimental stage," strongly recommends it, and minimizes the importance of the criticisms that have been made against the plan, deeming these to be "more theoretical than real." At the same time, the commission indicates that it is decidedly averse to the adoption of the policy of public ownership and operation. A properly protected service-at-cost plan, under conditions that are likely to arise in many communities, may be highly advantageous as a stop-gap on the way to public ownership, but from the point of view of efficient government the successful administration of a service-at-cost contract can hardly be maintained in the long run with any less degree of technical skill, courage, initiative and political independence than is required for successful public operation of a municipal street railway system. The one thing that will sometimes make a service-at-cost contract more practicable than immediate public ownership and operation is the fact that it enables the municipality or the state to avoid, for the time being, the necessity of raising the necessary funds for the extinguishment of the private interest in the local transportation system. In many cases this initial financial difficulty is likely to be controlling, but a service-at-cost plan that merely reserves to the municipality the right, in words, to take over the property at a fixed valuation will ultimately fail to protect the public interest unless it is coupled with definite and practical measures by which the city can readily exercise this option whenever it desires to do so.

In this connection it is noteworthy not only that the commission is opposed to public ownership, but that its recommendations are likely to be used to make public ownership more difficult in the future, instead of less so. It says that "public confidence will be immeasurably strengthened through the valuation of the properties, because the figure that is established . . . *fixes, at least, the minimum price which the public will be obliged to pay* if, at some future time, it should decide to purchase and operate the property." (Italics are mine.) As already pointed out, the commission indicates its opinion that original cost is a primary factor in finding value *for rate-making purposes.* The commission's recommendations are not very well knit together. They show the evidences of piecemeal construction and compromise, where clarity is quite essential. I do not doubt that the commission's endorsement of service at cost will be used as an argument for postponing public ownership while "sewing up" the future against its dangers—to the companies.

SERVICE AT COST AND STATE CONTROL

Another rather remarkable inconsistency is shown in the commission's pronouncements on the subject of state versus municipal control of utilities: It sees no "insuperable objection to a large wide-awake city having exclusive jurisdiction over the rates and services of public utilities," but in general it favors ultimate state control, based upon some plan of coöperation between state and local authorities. Again it says: "Where the street railway company operates *wholly within one city* there can be no insuperable objection to exclusive municipal control when the people are ready and willing to exercise it." (Italics are mine.) It then goes on to quote from Secretary Baker's testimony about Cleveland's experience, as if that were an illustration of its point. As a matter of fact, the Cleveland Railway Company is not confined to the city limits of Cleveland, but operates in several adjoining municipalities. When we turn again to the service-at-cost discussion, we find the unequivocal statement that "in cases where the electric railways operate in more than one municipality and between different municipalities, such service-at-cost contracts can properly, in our judgment, be made only with the public service commission, and in such cases the provisions of the contract should apply in any particular community to the system as a whole rather than to its individual parts." That knocks out municipal control in Cleveland! It makes it impossible not merely in New England, New Jersey, and upstate New York, but in Pittsburgh, Detroit, Milwaukee, Minneapolis, St. Paul, the Kansas cities, and I fancy in almost every city in the country, big or little.

Thus we see that the corollaries of the recommendations and suggestions of the Federal commission, so far as the service-at-cost plan is concerned, lead us into a labyrinth of doubt upon every subject except the guaranty of capital and the restoration of the investor's confidence in street railway securities—and even there, although the general purpose is clear, we are not altogether sure of the practical result.

THE EFFECTS OF TAX LIMITATION IN OHIO CITIES

BY RAYMOND C. ATKINSON
Western Reserve University

Ohio still retains the uniform general property tax with a rigid tax limitation. Cities face financial ruin while rural and urban groups wrangle in the legislature. :: :: :: :: :: :: ::

Probably the financial problem facing American cities has arisen in its most acute form in Ohio. Ohio cities have for ten years been laboring under the handicap inflicted by the so-called Smith 1 per cent law, which throttles down the tax revenue of municipalities to a point far below the present requirements of good government.

THE SMITH ONE PER CENT LAW

The Smith law was enacted in 1910 when the taxation machinery of the state was undergoing a general overhauling. Prior to that time property had been assessed at only a fraction of its actual value. In the reassessment of 1910, however, an attempt was made to secure a 100 per cent valuation of real estate and to force out of concealment a larger amount of personal property. To reassure the taxpayers the legislature enacted a tax limitation of 1 per cent. Within the prescribed 1 per cent levy the greater part of the tax revenue of local governments and a considerable share of the state's income were to be obtained, with the exception that an additional levy might be imposed to meet interest and sinking fund charges upon debts previously incurred or which might thereafter be incurred by popular vote. As though this restriction was not sufficiently severe, the legislature inflicted a further check upon municipal extravagance. The total receipts of cities from taxation for 1911 were not to exceed the amount collected in 1910, and only a slight increase could be made in 1912 and 1913 after which the total was to remain stationary. Such a stupid attempt to stop the wheels of municipal progress can scarcely be imagined, yet it remained upon the statute books of Ohio for three years. Yielding to the pressure of city officials the legislature finally repealed that particular provision in 1913, but the percentage limitation continued in force. A further modification was also secured which enabled cities by popular vote to raise the maximum tax limit to 15 mills. Beyond that point the tax rate might not go, except to meet certain emergencies such as floods and epidemics.

Fifteen mills may seem an adequate provision for municipal revenue, but it must not be forgotten that the city is only one of several agencies of government among which the 15 mills is parcelled out. The apportionment of the tax rate is entrusted to a county budget commission consisting of the auditor, treasurer, and prosecuting attorney, all county officials. The requirements of the state are first provided for, and needless to say, the budget commissioners see that the county receives second consideration. The requests of the school board usually come next in the order of preference, while the city, library board and other agencies of government have to be content with what remains.

HOW TAX LIMITS WERE EVADED

For a time cities sought to overcome the handicap under which they labored by failure to provide for the retirement of their bonds. Debts were refunded as they fell due. In this way deductions for sinking fund charges were kept at a minimum, and the revenue available for operating purposes was increased. Such a policy must naturally be short-lived. It was not only bankrupt finance, but in direct conflict with a clause of the state constitution as well. This practice continued, nevertheless, until the state supreme court in 1916 definitely declared that full provision for interest and debt retirement took precedence over all other expenditures. In 1917, the first year that this requirement was observed, the operating revenue of the city of Cleveland derived from the general property tax fell off almost one-third, and there was a corresponding increase in the levy for the sinking fund. This resulted in a reduction of about one-fifth in the total operating revenue of the city. According to statistics published by the state auditor in 1917, if all cities had met the interest on their bonds and the entire cost of debt retirement from taxation, debt charges alone would have exceeded the total tax revenue of the 80 cities of Ohio by $180,000. Naturally full compliance with the supreme court's decision was impossible. Cities were confronted with the alternative of refunding their bonds as they fell due or borrowing money for running expenses. The large cities compromised by doing both. In that way immense floating debts were incurred which cities were utterly incapable of paying, and the legislature was forced to authorize the issuance of deficiency bonds.

Other factors also played a part in the creation of this situation. In the first place the assessment roll for the general property tax did not keep pace with expanding governmental needs. Revaluations were infrequent and a 100 per cent assessment was seldom actually secured. Another important factor was the accelerated growth of municipal activities after 1910. In many instances the state itself imposed additional burdens upon cities. Large expenditures for water purification and sewage disposal were ordered by the state board of health. Heavy debts were also incurred for street improvements and public buildings, thus increasing the fixed charges of local government. Finally a modification of the state liquor license regulations reduced revenue from that source.

FLOATING DEBTS PERIODICALLY FUNDED

As a result of this combination of circumstances Ohio cities have for several years been amassing floating debts which the legislature has periodically permitted to be funded with deficiency bonds. Cleveland began to run behind as early as 1915, even before the supreme court decision as to sinking fund requirements. The other principal cities have one by one fallen into line. In Dayton the city manager by vigorously cutting expenditures avoided the difficulty until 1917. Springfield has escaped with a deficiency of only a few thousand dollars, while Sandusky has an actual surplus. Most of the non-manager cities have been less fortunate. At the close of 1919, Cleveland had outstanding $7,000,000 of deficiency bonds, almost one-tenth of its total debt, and has since been compelled to issue $5,750,000 additional bonds to meet running expenses. (The estimated tax income of the city for operating purposes will scarcely more than cover the cost of the police and fire departments alone.) In Cincinnati a floating debt of $1,340,000 was funded in 1917, and a deficit of about $3,000,000 is anticipated for the present year. Columbus was forced to issue $560,000 of deficiency bonds in 1919, but hopes to live within its income in 1920. In Toledo, a more rapidly growing city than Columbus, $850,000 of deficiency bonds have already been accumulated, with the likelihood of a large floating debt at the close of the current year. Nor is this condition confined to the larger cities alone. Some of the smaller municipalities have deficits which are almost as burdensome in comparison with their tax revenue.

It might be supposed that such financial straights would lead to greater administrative efficiency. Certainly the necessity of economy is apparent. It is very doubtful though whether there has been any such result. True there has been a vigorous paring of governmental services, but that the work which is done is more efficiently handled is extremely unlikely. The spectre of bankruptcy does not necessarily prevent waste. The very impossibility of living on the existing income together with the recognized necessity of reducing services exerts a blighting influence. A hopeless, don't care attitude on the part of officials is not unnatural. Furthermore the lack of funds furnishes a ready excuse for inefficiency which the citizen cannot easily refute.

VOTERS DIVIDED ON RELIEF TO BE PROVIDED

Confronted by this situation, what remedies have been applied? The truth is that only makeshift measures have thus far been adopted. The Smith law has from the start been attacked by the larger cities which realized the impossibility of performing their functions with the limited income available. The act has, on the other hand, been popular with the rural element which has a majority in the legislature. The country population cannot understand the immense financial requirements of the greater cities, and attributes their difficulties to extravagance, inefficiency and a failure satisfactorily to administer the general property tax. There is also a widespread feeling that a tax of 15 mills on a 100 per cent valuation of real estate is heavy enough and that additional revenue should be obtained from other sources. Consequently until the present year all attempts to break down the Smith law limitations have met with failure.

The validity of the claim that the burden upon real estate should not be further increased has been recognized by tax reformers. The financial difficulties of Ohio cities are not simply the result of tax limitation but of inadequate sources of revenue. How sufficient income can be secured through the general property tax without at the same time overburdening realty is a problem which has not been solved. Ohio relies chiefly upon the general property tax. In fact, it cannot do otherwise so long as the constitution remains unaltered, for it specifically provides that all taxation shall be by uniform rule. The attack upon the Smith law has, therefore, involved the question of classification of property and a revision of the whole taxation system of the state. The fight for classification thus far has not been successful. A classification amendment was submitted to referendum in 1918 and again in the fall of 1919. In 1918 it received a majority, but was later invalidated by the state supreme court. A second amendment, approved at the same election, according to the court, conflicted with the principle of classification, and inasmuch as the second measure obtained a larger popular majority the classification amendment had to give way. Another proposal was squarely defeated in 1919. Throughout the fight the farmers have been hostile to the plan and the state grange has led the opposition. The idea of uniformity in taxation seems to have a firm hold upon the rural electorate, in spite of the manifest injustice of the general property tax to the farmer in practice. A general feeling evidently prevails that the separate taxation of real and personal property would result in even greater discrimination against the former. Whenever the general property tax has been attacked, the farmer has parried with talk of more stringent administrative provisions to force intangibles out of hiding. It would seem as though Ohio, at least, had experimented sufficiently with tax ferret legislation. Until the farmer changes his views, the financial ailments of Ohio cities cannot saisfactorily be treated.

The legislature has shown little disposition to work out a solution, although the problem has been before it for several years. Investigations have been made and cities have been allowed to explain their plight, but there is no painless method of extracting revenue for the government, and legislators shy at measures which too obviously increase the tax burden. Until the last session the legislature confined itself to temporary expedients in the form of acts authorizing the funding of current debts. It was hoped that these measures would tide cities over the war period. The continuance of high prices after the armistice, however, made it clear that a day of reckoning must come. Cities cannot long be financed with deficiency bonds.

Unfortunately the legislature and the governor are of opposite parties. The governor is a Democrat, while the Republicans have a majority in both houses of the assembly. Under such conditions little co-operation can be expected. At the opening of the last session the governor was glad to urge upon the legislature the solution of the taxation question, but quite unwilling to present a plan of his own. He probably felt that it was good political strategy to allow the Republicans to demonstrate their inability to handle the problem and to cast the onus upon his opponents. The assembly lacked competent leadership and floundered sadly. When the session closed the governor denounced the failure of the legislature to reconstruct the tax system, and the Republican state committee retaliated by condemning the lack of leadership on the part of the governor. Thus the buck was passed.

THE GARDNER ACT A MAKESHIFT

In spite of its shortcomings the session was not entirely fruitless. The enactment of a heavy automobile license tax and a new inheritance tax from which the local government receives one-half helps considerably toward replacing the former liquor tax. The way was also opened by which cities may vault over the Smith law limitations. A new measure, the Gardner act, allows taxing districts by popular vote to place their interest and sinking fund charges outside the 15 mill limit. A number of cities are now preparing to submit the question to referendum. If approved it will grant much-needed relief to municipal treasuries by permitting a considerable increase in the rate of levy for operating expenses. In many cases it will double the operating levy. The general property tax rate will be very much higher and the burden upon real estate decidedly severe. For that reason some difficulty may be encountered in securing popular approval of the change.

The Gardner act is only a makeshift remedy at best, for Ohio must soon overhaul its entire system of taxation. A higher general property tax rate will inevitably cause complaint and may hasten a thorough revision of the system, but before this can be undertaken a constitutional amendment will be necessary. Considerable sentiment has developed in recent months in favor of an income tax. It has the endorsement of the state grange and was pressed by the rural element in the last session of the legislature, but the movement soon struck a snag. Banking interests were unwilling to accept an income tax so long as personal property remained subject to the general property tax. It was feared that an income tax might force the disclosure of bank deposits, and thus expose them to the high general property tax levy as well, which would almost be confiscation. This encounter merely serves to re-enforce the conviction that a classification amendment is a fundamental part of any constructive tax reform in Ohio.

While the prospect of modernizing the taxation system is considerably brighter, it is only because the financial condition of municipalities and school districts has become intolerable. The ten-year struggle of Ohio cities to live upon an inadequate income has been little less than tragic. If anything could prove the utter folly of tax limitations, Ohio's experience with the Smith one per cent law ought to be sufficient. The rural legislators in their kind endeavor to save cities from their own rapacity have nearly bankrupted a number of municipalities and have impaired services in many others. One need not be a socialist to realize the futility of such efforts. The activities of a city must inevitably grow more rapidly than the general property tax duplicate, and if progress cannot be bought with current revenue it will be purchased with bonds against the future.

NEW MORTGAGES FOR OLD

BY ARTHUR C. COMEY[1]

Cambridge, Mass.

The individual, short term mortgage is antiquated. Is it not possible to stabilize building loans at low rates through a Federal mortgage bank? :: :: :: :: :: :: :: ::

HOUSES must be paid for. As the prospective owner seldom has more than a fraction of the cost, the balance must be borrowed. To insure an adequate supply of funds to loan requires modern methods of financing. Mortgages should be written for the full duration of the loan and should be steadily reduced by periodic payments. All house mortgages should be pooled under a mutual guarantee, and a single form of safe, easily negotiable bond issued to the lender.

BORROWING MONEY FOR HOME BUILDING

In this way may be eliminated one of the principal bugbears of house building, the difficulty of finding funds with which to pay for dwellings, though in the present acute situation it is hardly the most serious one. Whatever the reforms we may hope will be carried through in the social relations of home ownership, either independent or co-operative, it is evident that at the time of construction the majority of purchasers will be unable to pay down more than a minor part of the total cost. The rest must be loaned, in the expectation, let us hope, that it will be gradually paid back as the occupant finds himself able to increase his investment.

Note that this result is a most worthy one and a fundamental gain to society as now constituted. For if we have individual wealth at all surely the soundest system is that in which it is most evenly divided among all citizens. This cannot be brought about simply by the general holding of stocks and bonds, even government bonds: it involves the actual responsibility for real property. Aside from personal effects everyone uses at least three classes of property: that which shelters him, that which carries him and his goods to and fro, and that which is comprised in his means of livelihood. With his ownership in the two latter relatively untried fields this article is not concerned. Home ownership has had a much longer and more general try-out. Whether individual or co-operative it is peculiarly appropriate for the initial accumulation of the individual's share in the world's riches; for by investing in a home one "loans to himself," eliminates all disparity of interest on his investment, and is in a unique position to conserve and actually enhance the value of his investment through caring for his property. The political and social values arising in a community of home owners need only to be alluded to to be appreciated.

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[1] Member, until its abolition, of the Massachusetts Homestead Commission; fellow, American Society of Landscape Architects; member, American City Planning Institute; secretary, Massachusetts Federation of Planning Boards.

As before stated the prospective owner now and for some time past has found difficulty in borrowing. This difficulty arises largely from the antiquated machinery still in vogue to effect such loans, namely the individual, short term, one payment mortgage. Certain agencies, notably the building and loan associations, or co-operative banks, as they are known in Massachusetts, loan on small houses for a long term and require periodical payments, thus reducing the loan gradually. But their loans are on an individual basis, with the attendant individual risk to the bank, and correspondingly high rates, and their funds are at present inadequate to finance a real building era.

One class of mortgaged property is, however, breaking away from the old system and under federal organization is securing most of the benefits that are to be obtained from up-to-date methods. The Federal farm loan act, despite certain seemingly unnecessary complicating provisions, has stabilized loans on farm property at a lower rate than previously obtained and has ensured in all ordinary times an adequate supply of funds, besides giving the investor a much more satisfactory security than the old farm mortgage, in the form of a bond that is easily negotiable.

Its working is indicated in some detail in the accompanying diagram.

The writer does not believe that two such dissimilar types of property as farms and houses should mutually guarantee loans. In fact, the volume of business that the Federal land bank is already doing, combined with that of a corresponding Federal mortgage bank for houses, would be so great that the setting up of a separate organization will involve little or no waste, while effecting many minor benefits.

The subject is so vast and intricate that it was the hope of those of us in the United States Housing Corporation who became interested in the subject at the close of the war that a joint high commission of senators, representatives and others would be empowered to make a year-long study before reporting a finished scheme for enactment. Along these lines Senator Kenyon introduced a bill in the 65th Congress, third Session (S. 5581), and a similar one in the 66th Congress, first Session (S. 168), but both died without action. Meanwhile, other agencies were seeking direct assistance, and several bills were quite far advanced during 1920, but none were free from grave defects and none were enacted.

THE NECESSARY MECHANISM

The vital points of a modern mortgage mechanism may be stated in a few lines:

Mortgages for the Full Duration of the Loan. Nothing could be worse than the present two- or three-year system, which subjects the borrower to perennial fear of foreclosure.

Steady Reduction of the Loan so that it will be wiped out at the end of the term. This is both an incentive to saving, and by keeping pace with possible depreciation permits a greater initial loan.

Pooling of All Mortgages Under a Mutual Guarantee and Issuing Bonds. This both reduces the risk to the investor and therefore the rate of interest, and attracts a much wider field of investors, to most of whom a liquid investment, capable of being turned into cash on the street, is now considered almost an essential. Thus not only would more funds be available for building, but owing to the reduced competition for money the interest rate would be still further lowered.

Farm loan bonds are on a 4½ to 5 per cent basis, a rate which the proposed bonds should easily secure.

To insure success the primary responsibility should be lodged in a group of Federal mortgage banks. Borrowers would usually find it advantageous to utilize intermediary agencies, either already in existence, such as the building and loan associations, or new limited dividend or co-operative associations or simple borrowers' associations. In order that the banks may eventually be on an entirely self-supporting basis borrowers should be required to take up stock equal to say 5 per cent of their loan. This would also increase their sense of participation in the organization. At the outset the government would do well to supplement the initial subscriptions so as to create a large capital for initiating the project. A system of four banks, with branch banks, would avoid local pressure and yet meet the needs of the four principal sections of the American building world.

The bonds should be available for government deposits and for purchase by Federal reserve banks, thus restoring mortgage loans to as favorable a position as that enjoyed by most other forms of investment. Those borrowing 60 per cent of the value of their house should pay but little more than the interest rate on the bonds. On new houses, however, 70, 80 per cent, or even higher might be loaned at sufficiently higher rates to meet the increased risks, thus overcoming a further obstacle in the way of new construction for those with little saved up.

Supervision should be centralized in a United States home loan board, representing the president, the treasury, and the department of labor, so as to be uniform and above question. Proper standards of housing should be ensured both for the immediate protection of the loans and for the conservation of social values, which effect society over a period of years and therefore the ultimate value of the loan property as a whole. The bank inspector should make a single inspection for all purposes, preferably under the general direction of the department of labor's representative; the establishment of the proposed permanent housing bureau would fit in perfectly to such a scheme.

Many other details must, of course, be worked out before the project can be made "water-tight" and launched. The following outline will indicate most of those points that have seemed important:

SUMMARY OF ESSENTIAL FEATURES OF PROPOSED FEDERAL MORTGAGE BANK

Board. Three governors, one appointed by the president, one by the secretary of the treasury, and one by the secretary of labor, and paid by the government.

Appointee of secretary of labor to have special duties as to character of housing.

Office. Head office in Washington.

Four Banks. New York for New England, New York, Pennsylvania and New Jersey. Atlanta for Delaware, Maryland, District of Columbia, South Atlantic, Gulf States, Kentucky, Tennessee and Arkansas. Chicago for Middle Western states, including Missouri, Iowa and Minnesota. Denver for Texas, Oklahoma, Kansas, Nebraska, and Dakotas and west thereof.

Capital. $20,000,000 in shares having a par value of $5 each, to be offered to the public for subscription; the government taking all stock not subscribed in thirty days. Capital is increased by requiring all borrowers to subscribe and pay for stock equal to 5 per cent of the amount of their loans, which stock is returned when loans are paid off.

Character Limitation, Cost of Loans, etc.

1. No loans at basic rate of interest to exceed 60 per cent of the appraised value of the property. On new houses only loans for 70 per cent, 80 per cent, or 90 per cent to be at higher rates com-

mensurate with risk. No loans to exceed 75 per cent to other than states, municipalities, housing societies with limited dividends and owners of lots for erecting houses for their own occupancy.

2. Basic interest charge not to exceed by more than 1 per cent the interest paid on the last issue of bonds made by the bank.

3. No loans to be for less than five years nor more than thirty years. No loans on property already built to be for more than twelve years.

4. All loans to be amortized at a rate which will wipe them out in the life of the loan.

5. All loans to be first mortgage upon income residence property already built or to be built with the aid of the loan.

6. No loans to be made unless property meets adequate housing standards of safety, durability, sanitation, convenience, and open spaces. A single inspection covering all factors to be made by bank inspectors under regulations of department of labor member of board.

7. Registrars to be appointed and paid by the government, to act as custodians and trustees of the first mortgages held as collateral for the issue of bonds.

8. Substitution by cash, United States government bonds or approved mortgages of same type permitted.

9. No loans to be made in any state where the mortgage laws are not adequate to protect the loans. Such laws to be passed upon by the officers of the bank with the advice of the attorney general of the United States.

10. The outstanding bonds at any time shall not exceed twenty times the capital and surplus of the bank.

11. No issue of bonds shall be permitted in excess of the value of first mortgages owned by the bank, except that at any time, in order to take advantage of favorable money market conditions, the bank may issue bonds not covered by the mortgages to an amount not exceeding its capital and surplus. The proceeds of such bonds to remain as cash or be invested in government securities until converted into mortgage loans.

12. No loans shall be made in any one city to exceed one-tenth of the outstanding bonds.

13. Torrens titles or other titles acceptable under state laws will be accepted by the bank.

14. The borrower will be required to pay the cost of the appraisal, title search and recording fees.

15. All property offered for loan shall be appraised by a board of three appraisers appointed by the bank in any district. Said board of appraisers to be under bond to the bank and liable to fine and imprisonment for wilful overvaluation. The appraisal shall be subject to review by the bank at the expense of the bank.

16. No loan or loans to any individual shall be in excess of $1,000,000 or less than $500. No loans shall be in excess of $6,000 per family housed.

17. The stock of the bank shall carry a double liability.

Other Provisions. A reserve fund shall be created by appropriating 25 per cent of earnings to reserve until said reserve fund equals 20 per cent of the capital and thereafter by setting aside 5 per cent of earnings to reserve.

When the reserve fund reaches 20 per cent, 25 per cent of all stock subscriptions received thereafter shall be used to retire the original stock subscriptions of $20,000,000, so that after a period of years the entire stock of the bank shall be owned by borrowers from the bank, who will receive by way of dividends the equivalent of a rebate, thus procuring the loans at a minimum cost.

The government-owned stock shall not be entitled to dividends.

The bonds of the Federal mortgage bank shall be available for the investment of trust funds, for security for public deposits and may be purchased by the Federal reserve banks.

The bonds of the Federal mortgage bank shall be free from all federal, state or municipal taxes.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

By HARRISON GRAY OTIS

Being the sixth installment of short stories compiled by the secretary of the City Managers' Association. The next will be "Reports from Managers in the Prairie States." :: :: :: :: ::

VI. BOROUGH, TOWN, AND CITY MANAGERS "DOWN EAST."

"Down East" is a general term, and its meaning depends upon where you are standing at the time. As applied to this series, it includes New England, New York, and Pennsylvania, with an appendix for Canada, whose four manager municipalities are in Quebec and New Brunswick, not far from the New England border.

NEW ENGLAND

New England holds the palm for conservatism, as prior to 1918, Norwood, Massachusetts, with a modified manager charter, was its only heretic to time-honored political traditions. At present, there are only five New England managers, with a sixth scheduled for appointment in January, 1921.

MASSACHUSETTS

Waltham. Population, 30,891. Commission-manager charter effective January, 1918. Henry F. Beal, the second manager, succeeded C. A. Bingham, January, 1920; salary, $5,000.

Mr. Bingham has furnished the following summary of achievements:

Salaries and wages increased from 1917 to 1919 54 per cent; materials increased 82 per cent; tax rate 8 per cent. Every street in the city oiled and practice of assessing abutters for $10,000 discontinued. Two new schools costing half a million built in 1919.

Street department combined with sewer, water and engineering departments into a public works department, eliminating $1,800 in salaries and saving many thousands in combining available equipment and men, besides assuring permanent force of experienced men to be used on any work; $3,200 saved on early contracts for street oils for 1918 and $5,000 for 1920 contract.

First municipal bulletin by employes initiated and continued monthly to an edition of sixteen pages or more. Departmental bowling leagues, superintendents' dinners, and other forms of recreation used to bring about co-operative spirit between city officials.

Seventy thousand dollars of government food and supplies sold the citizens at exact government prices, being the first city in New England and third in the country to do this; $3,000 saved the citizens on one carload of flour alone.

Water consumption reduced 33 per cent by meters and leak surveys, and a $300,000 new supply indefinitely postponed.

Branch library established and a series of lectures on municipal subjects by city officials carried on.

Contracts for practically entire supplies of 1920 materials closed in 1919 at a saving of thousands, in addition to securing early deliveries. Cash discounts continued to more than pay for entire purchasing force.

Budget of $1,250,000 passed one week after the close of the financial year.

Community street dancing and free movies successfully carried out. All city officials and employes made to understand that any success in the various departments was caused by their help, and citizens were encouraged in coming to the city hall and being personally conducted through any and all departments. City hall switchboard used as complaint bureau and also for outgoing inquiries as to the condition of municipal service rendered in various districts.

Mr. Beal is 41 years old, trained in engineering, and served as director of public works prior to his promotion to the managership.

Five Years of Satisfaction

Norwood. Population, 12,627. Modified manager charter effective January, 1915. William P. Hammersley, the second manager, was appointed to succeed C. A. Bingham, March, 1918; salary, $4,000. Mr. Hammersley reports for the year 1919:

> Increased our surplus in the public service department from $23,700 in 1918 to $33,700 in 1919;
>
> Granted 21 per cent salary increases to heads of departments; 25 per cent to mechanics, and 34 per cent to laborers;
>
> Increased local tax rate but 10 per cent, while the state tax was increased 15 per cent and the county tax 35 per cent;
>
> Completed $300,000 high school building;
>
> Established laboratory for analysis of milk and foods and maintained regular inspections.

A recent letter states:

"The town of Norwood at its annual town meeting held March 11, 1920, passed unanimously every item in budget and warrant, not one dissenting vote being cast. This plainly shows the attitude of the citizens toward the 'manager plan.' The meeting was the most harmonious ever held."

Mr. Hammersley is 44 years old, with a long experience in municipal engineering. His salary has been increased three times during the past two years.

Mansfield. Population, 6,010. The commission-manager plan as provided by state law was adopted at a town meeting July 12, 1920, by vote of 508 to 255. Five selected men will be elected in January, 1921. They will appoint a town manager.

MAINE

City Finances Put on Sound Basis

Auburn. Population, 16,985. Commission-manager charter effective January, 1918. Edward A. Beck, the second manager, was appointed February, 1919, to succeed Harrison G. Otis. He was followed in September, 1920, by Horace J. Cook; salary, $4,000.

The tax rate for the year 1919 was increased from 23½ mills, the lowest of any city in the state, to 31 mills, so as to permit liquidation of a large inherited floating debt and much needed public improvements.

Year's expenditures $61,032 under appropriation, which included a $17,003 emergency reserve fund. Revenue exceeded expenditures by $58,551. Cash balance $39,168. First year in over twenty which closed without a deficit.

Eliminated floating debt in part from current revenues, the remainder by funding, leaving the city free from floating debt at close of year for the first time in its history.

City's net debt (liabilities less quick assets) reduced $14,636 after bonding for improvements, second successive year compared to an increase each year since 1910, with an increase of $21,179 the last year under the old form of administration.

Municipal proprietary interest (all resources less liabilities) increased $76,349.45, or over 12 per cent.

Civil service for police and fire departments made operative.

Improvements in health department with plans for a full time health officer.

Establishment of highway patrol system. Highway maintenance improved at a net expense of $9,256 under preceding year. Year's highway construction included over two and one half miles, or approximately one half of city's entire former paved mileage.

Stone crusher plant established to furnish material for future construction.

Plans for establishing city blacksmith shop completed.

Police alarm system installed.

Plans under way for new modern fire alarm equipment.

Street lighting expense reduced approximately 10 per cent.

Plans for an office building to provide for all city offices under one roof.

Mr. Beck is 34 years old and a graduate civil engineer. He served as borough manager of Edgeworth, Pennsylvania, and city manager at Goldsboro, North Carolina, prior to his appointment at Auburn. He was promoted to his fourth city, Lynchburg, Virginia, in September, 1920, Mr. Cook being advanced from public service director to manager.

CONNECTICUT

West Hartford. Population, 8,854. Manager plan adopted by vote at the town meeting July, 1919. B. I. Miller, manager; salary, $4,000.

Mr. Miller is 51 years old, has had a general business training, and served eight years as first selectman of an adjoining town prior to becoming manager.

On November 2, 1920, a commission-manager charter was adopted by the voters, making West Hartford the second city to advance from the "ordinance" class to the list of "regular" commission-manager cities.

VERMONT

Springfield. Population, 5,283. At a town meeting, the board of selectmen was empowered to employ a town manager. John B. Wright was appointed "municipal manager" April, 1920; salary, $3,600.

A newspaper reporter from a neighboring city, in summing up the situation after a three months' trial of the new plan, emphasizes the difficulty faced by the city manager, which is due to opposition of those constitutionally opposed to any change, those resentful of employing a "stranger," and most of all, those who endeavor to hold the manager responsible for the fact that the millennium failed to dawn the morning of his arrival. The reporter found that the whole municipal system had been organized into departments and subdivisions, the accounting modernized and city purchasing placed on a business basis. As a whole, the citizens seem well satisfied with the change.

Mr. Wright is 43 years old, a civil engineer, with extensive experience in highway and construction engineering.

NEW YORK

In New York the manager plan may be adopted by any one of three methods.

1. Special charter authorized by special act of the legislature;

2. Adoption by referendum of "Plan

C," the city manager plan as provided by general statute;

3. Creation of the position by ordinance, as the case of Watervliet, which adopted "Plan B" of the optional cities act, the Galveston style commission plan, the commissioners being permitted to manage city departments through such officers as they might appoint.

Unfortunately, the optional cities act does not call for non-partisan election, yet in both Watertown and Watervliet, the citizens have elected commissioners on non-partisan tickets, in the former case overturning a very strong Republican majority and in the latter defeating a Republican-Democratic fusion ticket.

Niagara Falls and Newburgh were the first two New York manager cities, the former having a special charter, the latter adopting "Plan C."

To date but six New York cities have city managers.

Settled Down to Steady Progress

Niagara Falls. Population, 50,760. Commission-manager charter effective January, 1916. Edwin J. Fort, the second manager, was appointed September, 1918, succeeding O. E. Carr; salary $6,000.

Niagara Falls has settled down to a steady progressive program which the manager states is "very substantial, but not spectacular nor startling."

During the past year more than 3,000 water meters have been added to the water system, and all services are now metered.

Several acres of land have been acquired for the construction of a municipal yard, which will contain the asphalt plant and all equipment of the public service department, and will furnish a storage place for materials of all sorts.

An extensive paving program has been started, and four miles of construction authorized for this year.

The city ordinances have been completely codified and will be published for the first time. This will place the police and the public in a better position for law enforcement.

Modern zoning ordinances have been completed and enacted by the council.

The city has established a motor repair shop and repairs its own motor vehicles with greater speed and economy. This repair shop is used by the board of education for instructing the high school pupils and others.

Mr. Fort is 50 years old, a graduate civil engineer, with long municipal experience.

Improvements Planned at Auburn

Auburn. Population, 36,142. Commission-manager plan effective by adoption of "Plan C" January, 1920. John P. Jaeckel, manager; salary $4,000.

The first six months under the new plan, the city operated under the balance of the budget adopted by the previous administration.

A program of street improvement has been developed to care for the paving which has been permitted to go to pieces during the past three years.

It has been decided to place the fire department on a two-platoon system, and fire equipment will be motorized.

Heretofore garbage and waste have been collected under a contract system, but these functions will now be taken over by the city.

The manager is an advocate of non-partisan city government, and feels that in spite of the handicap of the political features of the new charter, the city administration is pledged to a thoroughly businesslike conduct of affairs uninfluenced by political consideration.

Mr. Jaeckel is 54 years old, trained

as a business executive, and has held responsible city and state positions.

Better Government in Spite of Politics

Newburgh. Population, 30,272. Commission-manager form effective by adoption of "Plan C" January, 1916. W. Johnston McKay, the fourth manager, was appointed January, 1920, and voluntarily had his salary reduced from $5,000 to $3,600.

Those who have studied the Newburgh situation are convinced that partisan efforts have in no way diminished since the adoption of the manager plan. In fact, the position of manager has been considered the most attractive of political plums, yet in spite of this handicap, Newburgh has enjoyed better city government than ever before.

The incoming manager explains his appointment as follows:

"You know some men fish; some play poker, and I am one of the fellows unfortunate enough for a number of years to get mixed up with local city affairs, and after my complaining how things were being done by others, they at last gave me the job and told me to do better."

Mr. McKay is 53 years old. He is reported to have resigned recently.

A Typical "Inheritance" from Political Past

Watertown. Population, 31,263. Commission-manager charter by adoption of "Plan C" effective January, 1920. C. A. Bingham, appointed manager February, 1920; salary, $7,500.

Mr. Bingham writes:

"Watertown's report will simply be a story of our inheritance on January 1, 1920. The old administration forgot to mention the unpaid accounts amounting to about $135,000, which were actually filling up pigeonholes and files; $90,000 was on short term notes and the remainder was for monthly bills on labor and material, some three years old. One plumbing bill was five years old, and so on down to the city employe waiting four months for salary due. Add to this the tax limit fixed ten years ago, and a 50 per cent valuation and a wholesale water rate 50 per cent under cost, and a daily waste of 3,000,000 gallons (enough to adequately supply our city), and you can begin to see the "welcome to our city" that confronted the new commissioners.

"Incidentally everybody purchased everything everywhere, and each separate department 'kept' its own books. Bills were paid by drafts on the treasurer who never saw them until returned from the bank, and we found one which has been out uncashed for three years.

"The pathos of the situation was that while the 'system' was as full of holes as a sieve in some ways, yet every little appropriation or fund was locked up in a separate account and drawn upon only by specially printed individual drafts.

"The police department was 50 per cent undermanned, and with no equipment, while the fire department was costing nearly $4 per capita!

"If we start to tell what we have already uncovered in past purchases, we would be sued for libel, so will close by stating that we have a commission of progressive business men who are disregarding the insulting slurs of the ex-politicians (who should be thankful they got out from under instead of now trying to throw sand in the gears).

"We have installed centralized purchasing, uniform municipal accounting, 100 per cent valuation by appraisal, water meters installed, and new building methods; pushing completion of the hydro-electric plant, competent plumbing and wiring inspection, satisfactory garbage collections, enforcing fire prevention code, planning systematic extension of paving, and by the elimination of the primitive methods in other departments hope to report definite facts and figures at the close of the year."

Mr. Bingham is 36 years old, a graduate civil engineer, and served as city manager at Waltham, Massachusetts, 1918-19, and town manager at Norwood, Massachusetts, for three years previous.

Non-Partisan Victory Over Party Politics

WATERVLIET. Population, 16,073. Position of manager by ordinance effective January, 1920. James B. McLeese. The first manager died shortly after taking office, and was succeeded in June by Henry E. Gabriels; salary, $3,600.

In June, 1919, the voters of Watervliet adopted "Plan B" of the optional cities act, by a majority of two to one, which provides for a mayor and two councilmen to serve as a commission. At the general election held in November, the "people's candidates" defeated the fusion political ticket by large pluralities, thus repudiating political domination. The mayor and the councilmen elect agreed to appoint a manager, but upon advice of the general attorney of the state they gave him the title of "general" manager, so as not to conflict with the term "city" manager as used in "Plan C," although the powers and duties are the same.

A city purchasing department is being created, and purchase of supplies will be centralized. The three big problems facing the new administration are:

Equalization of property values;

Improvement of city streets;

Law enforcement.

An effort will be made to annex by legislation part of the town of Colonie.

SHERRILL. Population, 1,500. Special city-manager charter effective June, 1916. S. E. Northway, the fourth manager, was appointed August, 1920.

The population of Sherrill consists chiefly of employes of the Oneida Community Company, and the manager is one of the company's men, giving part time to city affairs.

PENNSYLVANIA

The Pennsylvania laws do not permit commission-manager government by charter, yet they allow the cities and boroughs to create the position of manager by ordinance.

Unique Endorsement at Altoona

ALTOONA. Population, 60,331. Manager plan by ordinance effective January, 1918. H. Gordon Hinkle, manager; salary, $7,500.

Mr. Hinkle notes as the outstanding achievements in Altoona during the past year:

> Sinking fund earnings have been increased from $26 per thousand in 1917 to $43 per thousand in 1919 by close attention to investments.
>
> Tax assessment map of city completed.
>
> Tax valuation map of city started and nearing completion.
>
> Equipment ordered that will complete the motorization of the bureau of fire.
>
> Ordinance adopted requiring the metering of all industrial and commercial service and meters installed on approximately 800 such services.
>
> The sewage disposal plant built in 1914 at a cost of $131,000, but never used on account of defective construction, repaired and placed in service.

Evidence that the manager plan is highly satisfactory to Altoona citizens is found in the fact that while state law has compelled the return of partisan city election, Altoona's commissioners were all re-elected by almost unanimous consent. In fact, both Democrats and Republicans were placed in nomination on both tickets, and on the Democratic ticket a Republican received the highest vote, while on the Republican ticket a Democrat headed the list.

Mr. Hinkle is 45 years old, a civil engineer with extensive experience in construction.

Better Service at Lower Cost

Ambridge. Population, 12,730. Borough manager appointed under ordinance provision November, 1918. W. M. Cotton, the second manager, succeeded R. H. Hunter, February, 1920; salary, $4,500.

An Ambridge paper, in referring to the annual report of the retiring manager, calls attention to the fact that the big paving program adopted by the council has been carried out as planned; that a complete record of all streets has been made in blue prints available for work and ready reference. Nearly a mile of sidewalks was constructed last year, and more than two miles of sewer laid by the city at a saving of $10,000 under the lowest bid received. The collection of garbage was difficult and not satisfactory, due to shortage of labor, yet the expense was $3,000 less than the preceding year. Loss by fire was but $6,000, as compared to $17,000 for the year before. Health was protected by careful analysis of milk and inspection of the dairies. The balance sheet at the end of the year shows a gain in assets of $3,172.

Mr. Hunter is 42 years old, a graduate electrical and sanitary engineer, with municipal experience. Mr. Cotton, who succeeds him, is 29 years old, trained in municipal research and served as borough manager in Edgeworth and Sewickley, Pennsylvania, two years prior to his appointment at Ambridge.

City Plan Financed by Popular Subscription

Sewickley. Population, 4,955. Borough-manager plan by ordinance October, 1918. W. M. Cotton, who had previously served as borough engineer was appointed borough manager, resigning February, 1920. His successor has not been announced. Upon resigning, Mr. Cotton wrote:

"During 1919 Sewickley has lived within its budget and enters the year with a balance in the general funds.

"A health ordinance has been prepared and passed, regulating the sale of milk and cream, the collection and disposal of garbage and refuse and general sanitary conditions ofthe borough.

"To my mind the biggest achievement of all is the increased interest created among the citizens to the extent that a fund of $3,000 has been raised by private subscription to finance a complete survey and city plan, the survey to cover all branches of government with recommendations for new organization, newprocedure and report forms. The lack of civic interest is the one big handicap in this vicinity, and this survey shows that some interest has been created and the survey will of course increase this when the report is finished."

Better Financial Condition Than Ever

Towanda. Population, 5,610. Borough-manager plan by ordinance April, 1918. William T. Howie, manager; salary, $1,500.

The *Towanda Daily Review*, in commenting upon the annual report of the manager, states:

"The borough is at the present time in better financial condition than ever before."

Since the adoption of the borough-manager plan the tax rate has not been changed and the balance on hand in the treasurer's office at the close of 1919 is the largest yet.

Last year more than twice as much was spent on streets as in 1917. Bridges have been painted, waterways damaged by a flood years ago have been permanently repaired; new equipment has been purchased and, in fact, there has been a general house cleaning, so that Towanda is now "spick and span." A contract has been let for brick paving, which will complete the two-mile stretch through the borough.

A 23-acre park area has been offered to Towanda by the Lehigh Valley Road, and the offer will probably be accepted and the lands improved soon. To quote the local paper:

"Towanda is among the leaders in the United States in the adoption of the borough-manager plan, but the time is coming when every town or city of any size will have one. They are becoming a necessity and the people are awaking to that fact. Several thousand dollars have been saved in this borough during the past two years through the efforts of Mr. Howie.

Mr. Howie is 45 years old and experienced in highway construction prior to his appointment as manager.

Systematic Health Supervision Pays

Edgeworth. Population, 2,500. Borough-manager position by ordinance effective January, 1914. Robert Lloyd, the third manager, succeeded W. M. Cotton, March, 1920; salary, $3,000.

Upon resigning Mr. Cotton wrote:

"Without any increase in taxation Edgeworth has made up in one year the entire deficit from the war year, 1918, and on January 1, 1920, is in excellent financial condition. Health work has been closely followed up, with the result that we have the lowest number of communicable diseases of any year for the past five."

Loss Converted Into Profits

Mifflinburg. Population, 2,000. Borough-manager plan by ordinance effective January, 1919. W. D. Kochersperger, manager; salary, $2,500.

Upon entering the office the manager found: "office methods of a vintage that would have been out of date thirty years ago; a complete lack of working plans of the various streets; the electric light and water accounts badly in arrears. These have now been collected and many other accounts considered bad have been turned into the treasury."

Competitive purchasing has yielded a material saving. A business survey has been made in the water and light plant, and by the equalizing of rates, plugging of leaks and some changes in operation, a marked gain was immediately noticed.

Standard concrete paving has been constructed on the main street by town force, at an actual cost of $1.55 per square yard, with an added 24 cents for grading.

Mifflinburg has lived within its income without increased taxation. Previous to the present management, the electric light plant was operated at a loss. This loss has been converted into a profit of 15 per cent and a corresponding profit in the water department of 25 per cent.

A quarry has been opened up by the borough to still further reduce the cost of paving construction, and the pulverizing of raw limestone from the paving creates a by-product that has a ready sale to the farmers.

The new form of government has met with popular approval.

Mr. Kochersperger is 50 years old, a graduate of the United States Naval Academy and experienced in practical engineering and construction.

CANADA

Four Canadian municipalities have adopted the manager plan. The first of these was Westmount, Quebec, whose general manager charter dates back to 1913. The other three have appointed general managers by contract or ordinance within the past two years.

NEW BRUNSWICK

Mayor Changes Opinion

WOODSTOCK. Population, 4,000. General manager employed through contract June, 1919. R. Frazer Armstrong, manager; salary, $3,000.

In reporting the last annual town meeting the local paper comments upon the hearty support the town manager plan has received. The mayor, Thomas H. Noddin, is quoted as saying: "We tried to put the town on a business basis and at no time in the history of Woodstock has such good feeling existed. When the town manager proposition was before us I may say that for two years I was opposed to the idea, but after experience I have changed my mind. I am sure if we had adopted this system ten years ago we would have been the leading town in Canada to-day."

One unique feature of the new order of things commented upon by the paper is the fact that the manager in presenting his report "made no attempt to cover up any matters which received attention during the year."

A recent editorial of the *Woodstock Press* calls attention to the fact that the town manager form of government has reduced the tax rate to $1.66 on $100—the lowest rate in the Maritime Provinces.

Mr. Armstrong is 30 years old, a graduate engineer, with broad experience, and served as captain of engineers in the war.

EDMUNDSTON. Population, 4,000. Town manager, L. Leon Theriault, appointed February, 1920; salary, $3,000.

Edmundston owns and operates its public utilities, and the water and light systems are yielding a profit. The sewers are being extended. Three miles of permanent roads and sidewalks have been constructed this first year. Mr. Theriault has a two-year contract with the city. He is 36 years old and experienced in engineering and highway construction.

QUEBEC

WESTMOUNT. Population, 14,579. Manager plan by charter April, 1913; George W. Thompson, general manager.

GRAND 'MERE. Population, 9,000. Position of town manager created by charter February, 1920. Henry Ortiz, city manager, salary, $5,000. Mr. Ortiz is 38 years old, trained and experienced in civil engineering.

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Compiled by Rebecca B. Rankin[1]

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NOTES AND EVENTS

Municipal Operation on Staten Island, New York.—Toward the close of last year the two surface car companies in Staten Island, one of the boroughs of New York city, threatened to abandon the service unless an increase in fare was immediately granted. One of them, the Staten Island Midland Railroad Company, after posting a warning notice to the public that they were compelled to take the action they did because of their inability to continue at the five-cent rate, did shut down early in January, despite a restraining court order to the contrary secured by the city. A receiver was appointed, who, on being urged to run the cars, claimed that he found practically no equipment that would permit him to do so. It seemed that the cars belonged to the Richmond Light & Railroad Company, from whom they were leased and who furnished the power. The city put on busses temporarily and took action looking forward to the revocation of some of the franchises of the company. Final action on this matter was prevented because the property is in the hands of the federal court.

In the meantime, negotiations were opened with the receiver to enable the city to operate the lines of the company, and an agreement was drawn up with the court's approval, embodying the terms on which this may be done. This agreement is without prejudice to the rights of the city or the company when the courts finally decide whether or not the franchises have been forfeited. It provides for operation on the same schedule as was in force prior to discontinuance of the service at a five-cent fare.

From the receipts the city is to pay the expenses of operation. The balance, if any, is to be divided equally between the city and the receiver of the company, in lieu of rental. However, no money is to be paid directly to the receiver. It is to be paid into the court until a final determination has been made as to the right of the city to the property because of the franchise forfeitures. Besides, the city claims that the company owes it $100,000 in back taxes. There is no renewal clause, but there is no doubt of a continuation of the arrangement or of a new arrangement if operation is successful. As it is, the receiver is given the right to terminate the agreement on thirty days' notice, because the property is under the jurisdiction of the federal court and the position is taken that the court has no right to relinquish such jurisdiction.

In addition to this agreement another is made with the Richmond Company for power and the use of certain tracks approaching the ferry terminals, which tracks belong to that company.

Prior to commencing operation, the city is putting the tracks and poles into shape. This is being done under the terms of the agreement by which the city has a prior lien on all improvements made by it to the property, if done with the approval of the court. An appropriation of $300,000 was made some months ago for improvements, including the purchase of cars. About thirty of the most improved type of one-man cars have been ordered and will be ready for use beginning December first, when the agreement will come into force.

T. David Zuckerman.

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Milwaukee Moves Toward City-County Planning.—Although the built-up territory adjoining Milwaukee is opposed to annexation to the city, it is obvious that no adequate city planning can be done without consideration to the metropolitan territory which some day will be a part of the city. Legislation is therefore being prepared which will enable the city and county planning boards to act jointly on planning matters affecting both territories.

The city of Milwaukee occupies a large part of the county of Milwaukee, and if the adjoining suburbs are considered, the greater part of the county is occupied by the population centering on the city of Milwaukee. Land adjoining the city is usually quite fully developed before it is annexed to the city. This is the cause of many of the difficulties encountered by the city.

During the consideration of the city zoning ordinance by the board of public land commissioners, it soon became apparent that any planning in the city itself would be of little avail as far as the surrounding territory is concerned, although this very territory when fully developed will become a part of the city and under the city zoning ordinance, but too late, for the damage of poor planning is completed when the land is developed. There is one limitation to the foregoing, for the city under the state law has the right to pass on all plats of land adjoining the city to the extent of one and one half miles. But other than this, the city has now no veto power on poor planning of the territory soon to become a part of it.

And so with questions like the design of the water system, sewer system, streets, and streets widths, electric service, telephone service, street car service, the fire department, and other municipal functions, the county and city are jointly interested. It is becoming almost a settled fact that a liberal annexation policy is the best solution. In the meantime, due to the opposition to annexation to the city of Milwaukee, other methods are being urged to accomplish the same result.

The county planning is under the county park board, and one person, Mr. C. B. Whitnall, is a member of both these bodies, therefore making possible some co-ordination of city and county plans, but in a too limited sense.

Realizing this limitation, Commissioner Whitnall recently urged the city council to ask the state legislature for legislation which will make possible the joint action on planning, whenever it affects city and county alike.

It is also understood that the county board will ask for legislation empowering it to zone the county. These two laws would give considerable relief, although annexation of a large part of the adjoining land would be a far better solution, inasmuch as the land will soon become part of the city, and is already a part of the one population unit.

Raymond T. Zillmer.[1]

⁂

False Report Concerning Omaha Municipal Gas Plant.—Various newspapers have been circulating a story under the caption "Omaha Gets its Lesson," representing that the municipal gas plant of that city has been a financial failure and has become very unpopular with the people generally.

The facts are that the city of Omaha purchased the gas plant on the basis of about $4.00 per thousand cubic feet of gas sold in 1919—a price which many deemed exorbitant. The mayor, however, was determined for some reason to carry through the transaction, and, as a result, by one majority in the city commission, the city refused to set aside the award, which it had a right to do, and thus acquired the plant.

Under the law, this public utility automatically came into the possession of the Metropolitan Water District for management and operation, which has had charge of the plant since the first of July. The rate charged for gas by the Company was $1.15 per thousand. However, they still had the advantage of contracts of a year ago, which enabled them to buy coke at less than $12.00 per ton, gas oil about 8 cents and coal around $5.00. The board is now paying double for coke, 30 per cent. more for oil, and about $2.00 a ton more for coal, which of course has necessitated an increase in rates. The rate in effect was recommended by a commission of three gas engineers called in to advise the water board, and it consists of a two-part schedule—a service charge and a charge for the gas. The service charge ranges according to the possible demand from 50 cents to $6.30 per month, and the rate for gas varies from $1.25 down to $1.00 net.

In view of all the circumstances, gas rates in this city have not been increased because of public ownership, but in spite of public ownership.

Of course, the excessive price paid for the gas plant will rest as a burden upon the people of Omaha for years to come. However, it is probable that by the investment of another $2,000,000, a coal gas manufacturing plant can be put in which will not only afford gas at a cheaper price, but cheap coke to the people. In short, it is believed that the gas plant will ultimately prove a great asset to Omaha, notwithstanding the handicap under which it has started.

R. B. Howell.[2]

⁂

Washington's Zoning Ordinance.—On March 1, 1920, an act of congress provided for the creation of a zoning commission for Washington, consisting of the commissioners of the District of Columbia, the superintendent of public buildings and grounds, and the superintendent of the capitol buildings and grounds. The act provided that the engineer commissioner of the district should act as chairman of the zoning commission, that employes of the several departments of the district government might be used for the preparation of a zoning plan, and an appropriation of $5,000 was made for the expenses of the commission. The act also provided that the work should be completed not later than September 1, 1920.

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[1] Secretary, Good Government League of Milwaukee.

[2] General Manager, Omaha Metropolitan Water District.

Owing to pressure of work in the district, consideration of the zoning plan was not undertaken until May 1, when a definite program of procedure was outlined which provided for the preparation of the various study maps not later than July 1, preparation of the tentative use-height-and-area zone maps and ordinance by August 1. The week of August 9 was devoted entirely to public hearings, after which the plan was revised in accordance with suggestions made at the hearings and by numerous individuals and organizations. The plan was officially adopted and became effective August 30, 1920. Provision is made for four use districts (residential, first commercial, second commercial, and industrial); four height districts (35 feet, 55 feet, 85 feet, and 110 feet); and for four area districts.

The personnel of the commission and staff were as follows: Chairman, Colonel C. W. Kutz, engineer commissioner, D. C.; Louis Brownlow, commissioner, D. C.; Colonel C. S. Ridley, superintendent, public buildings and grounds; Elliot Woods, superintendent, U. S. capitol buildings and grounds. ——— Major Roger G. Powell, assistant engineer commissioner; Major Carey Brown, assistant engineer commissioner; Harland Bartholomew, consultant.

◆

The American Civic Association held its sixteenth annual convention October 14 to 16 at Amherst, Massachusetts. The general subject was country planning. The Massachusetts Agricultural College was the host, and the convention was one of a series patronized by the college as a part of its semi-centennial celebration. A delightful feature of the three-day meeting was a forty-mile automobile excursion for all guests through the Massachusetts hills, and an opportunity to examine the extensive housing development under way at Greenfield. The speakers included Thomas Adams, Dr. Albert Shaw and Col. Wm. B. Greeley. For the excellent program and the smoothness with which the arrangements proceeded, J. Horace McFarland, President of the A. C. A., must accept most of the responsibility.

◆

The Changing Value of a Municipal Dollar.—The Detroit Bureau of Governmental Research, in a recent number of *Public Business*, gives some striking figures on the increased cost of some of the more important services and supplies which Detroit buys. The following are some of the principal items:

	Approx. Cost 1916	Approx. Cost 1920	Increase (Per Cent.)
Police	$1,260.00 per yr.	$2,160.00 per yr.	71
Stenographers (gen. fund)	1,100.00 per yr.	1,900.00 per yr.	72
Labor	.30 per hr.	.60 per hr.	100
Fire engine	7,500.00 ea.	11,850.00 ea.	58
Aerial truck	8,700.00 ea.	17,850.00 ea.	105
Fire alarm boxes	125.00 ea.	151.00 ea.	20
Hydrants	55.00 ea.	175.00 ea.	218
Gate valves	12.00 ea.	39.25 ea.	227
Sewer crock (12-in.)	.53 ea.	1.48 ea.	179
Brick (paving)	.88 sq. yd.	1.64 sq.yd.	84
Sand	.72 cu. yd.	1.61 cu. yd.	123
Gravel	.90 cu. yd.	1.79 cu. yd.	100
Cement	1.40 per bbl.	4.25 per bbl.	200
Coal (bituminous)	2.95 per ton	8.50 per ton	188
Coal (anthracite)	7.24 per ton	13.00 per ton	80
Iron water pipe	30.00 per ton	76.70 per ton	156
Manhole covers and frames	10.00 ea.	23.00 ea.	130

Canadian Civil Servants Affiliate with Labor Unions.—Due to widespread dissatisfaction with the salary schedule and bonus, and to some hitches in applying the new classification and standardization schemes, a new organization of civil servants has been formed in Canada. It is called the Associated Federal Employees of Ottawa, and has a charter from the Dominion Trades and Labor Congress. Its organizers are undertaking to form a dominion-wide federation of federal, provincial and municipal civil servants, all affiliated with the Trades and Labor Congress.

The new organization feels that the older Civil Service Federation of Canada has failed to get the attention of the government, and that more can be accomplished by trade union affiliation and tactics. One of their planks is the Whitley principle of democratic representation of employes, now coming into vogue among local government employes in England.

In this connection it may be noted that the recent annual convention of the National Federation of Federal Employees in St. Louis adopted a resolution to force their locals, in case they have not already done so, to establish relations with state and local labor federations.

*

Proportional Representation News.—On June 16, 1920, the British Government made public the draft of the constitution for Malta. It confers complete powers of self-government on a dominion status, and prescribes the Hare system of P. R. for both houses of the Maltese Parliament.

The Indian Office has submitted to the British Parliament draft rules for the election of the Indian Legislature and Provincial Legislative Councils. They provide for the experimental use of the Hare system of P. R. in three European and non-Mohammedan constituencies.

Mr. A. S. Winchester, who was present on behalf of the Ontario Government at the recent P. R. election of the Winnipeg members of the Manitoba legislature, has submitted a very favorable report to the Prime Minister of Ontario. The Prime Minister, Mr. E. C. Drury, is chairman of a committee of the Ontario legislature which is examining P. R. with a view to its possible adoption for Ontario provincial elections.

*

Two More Commission Manager Charters. *Brunswick, Ga.*—The governor has signed the commission-manager bill, which will bring Brunswick under the new plan. On December 7, three commissioners will be elected to take office January 1, 1921.

Tampa, Fla. At an election held October 19, a commission-manager charter was adopted by a majority of more than seven hundred votes. The campaign preceding the change had been long and bitter.

*

The Citizen's Research Institute of Canada is the name of the new organization, national in scope, with headquarters at Toronto and Ottawa, formed to study the administration of Canadian government. It is intended to do for the provinces and municipalities throughout Canada work similar to that which any municipal research bureau does for its own city. Horace L. Brittain is director of the Institute. The Toronto Bureau of Municipal Research continues, as always, with Mr. Brittain as director.

*

Pennsylvania Appoints a Director of Social Studies.—Dr. J. Lynn Barnard, well known as a teacher and author, has recently assumed the duties as director of social studies in the state department of education. He is to develop and install a twelve-year program of training in citizenship in the schools. The studies included in the field are history, European and American, the new type of civics and social science by the problem method.

*

Cleveland Research Bureau Codifies City's Ordinances.—Cleveland's new municipal code, revised for the first time since 1907, and prepared by the local bureau of municipal research, is now before council for adoption. The work was begun over a year ago by the Civic League. Many obsolete ordinances have been removed, and all amendments since the last revision are codified.

*

Pennsylvania State Chamber of Commerce at its recent annual meeting passed a resolution favoring home rule, and urged the legislature to make it possible for cities in Pennsylvania to adopt the manager plan of government. A resolution was also passed petitioning the legislature to grant to third class cities the right to pass zoning ordinances.

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